

# **EXHIBIT A**

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 001  
Complaint**

2021-2-12 10:22

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; )  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY )  
BEHOPE; MARY HALLOWELL; )  
SAMANTHA BUCARI; RONALD )  
STEWART; LYDIA ZIBIN; )  
CATHERINE DODSON, )  
Plaintiffs, )  
v. )  
JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
Defendants. )

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Case No.

**21-2-12603-7 KNT**

VERIFIED COMPLAINT FOR  
EQUAL PROTECTION; VIOLATION OF  
CIVIL RIGHTS; EQUITABLE RELIEF;  
INJUNCTIVE RELIEF; DECLARATORY  
RELIEF; PUBLIC RECORDS ACTION TO  
COMPEL BALLOT PRODUCTION

JURY DEMAND (6 PERSON)

Plaintiffs allege:

**I. PARTIES**

1. Plaintiffs Doug Basler, Howard Ferguson, Diana Bass, Timofey Samoylenko, Amy Behope, Mary Hallowell, Samantha Bucari, Ronald Stewart, Lydia Zibin, and Catherine Dodson (“Citizen Plaintiffs”) are King County residents and lawful electors of

Washington State who voted in the November 2020 General Election (“Election”). (Article VI, §1, Washington State Constitution).

2. Plaintiff Washington Election Integrity Coalition United (“WEiCU”) is a Washington State nonprofit corporation with its principal office in Pierce County, Washington.

3. At all relevant times, Defendant Julie Wise is serving as the Director of King County Elections for the State of Washington, King County (“Director” and “County”), responsible for all Election procedures, elections staff, election workers, election observers, the accuracy of the County’s Election vote tabulations, and certification of the County Election’s tabulation results.

4. Defendant King County is a municipal corporation.

## II. OVERVIEW

5. The Director is responsible for conducting the County’s Election in violation of, *inter alia*, Plaintiffs’ equal protection, due process and free speech rights under the Washington State and United States Constitutions. Plaintiffs demand a jury trial and seek a judgment for damages for violations of their civil rights stemming from the Director using an uncertified voting system, allowing or facilitating vote flipping, additions and/or deletions, and allowing or facilitating party preference tracking and/or ballot identification. Plaintiff WEiCU issued a records request for ballots to confirm or deny the conduct and seeks a Court order compelling release of the public records, including a Court order unsealing ballots under RCW 29A.60.110, for a full forensic audit conducted by Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa County Arizona ballot auditor of approximately 2.1 million ballots.

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### III. JURISDICTION, VENUE, LIMITATIONS

6. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that: (1) A wrongful act has been performed or is about to be performed by any election officer; or (2) Any neglect of duty on the part of an election officer has occurred or is about to occur. (RCW 29A.68.013(1), (2).)

7. Venue is proper in the County's Superior Court for Constitutional violations, wrongful acts and/or neglect of duty by Director during the County's Election. (RCW 29A.68.013(1), (2).) Given a troublesome recent trend of judges recusing themselves thereby forcing actions to more favorable venues, Plaintiffs request that the Court immediately disclose to the parties any direct or indirect communications with any third parties aimed at disrupting the Court's ability to administer this action in a fair and equitable manner.

8. The narrow 10 day limitations period of RCW 29A.68.013 subsection (3) does not apply to Plaintiffs' claims, as Plaintiffs are not seeking de-certification of the Election.

9. Plaintiffs do not know the true names of defendants Does 1 through 30, inclusive, who are therefore sued by such fictitious names. Plaintiffs will amend this complaint to show their true names and capacities when they are ascertained.

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#### **IV. WRONGFUL ACTS: USE OF UNCERTIFIED VOTING SYSTEM**

##### **RCW 29A.68.013(1) and/or (2)**

##### **(Citizen Plaintiffs v. Director)**

10. Plaintiffs incorporate the allegations of paragraphs 1 through 9 above, as though fully set forth herein.

11. Plaintiffs are informed and believe and thereon allege, that Director engaged in a wrongful act by using an uncertified voting system to tabulate votes for the Election.

12. Director, who oversees all elections for the County, is required by federal and state law to use an electronic voting system certified by a U.S. Election Assistance Commission (EAC) accredited Voting System Test Labs (VSTLs). (Help America Vote Act 2002 (HAVA), 52 USC §20971, RCW 29A.12.080, RCW 29A.12.020, WAC 434-335-010, WAC 434-335-250, WAC 434-335-040(f).)

13. No voting device or its component software may be certified unless it has been tested and approved by an EAC accredited VSTL. (*Id.*)

14. Plaintiffs are informed and believe and thereon allege, that at the time of VSTL testing of the voting system used by Director for the Election, the VSTL was not accredited by the EAC. As a result, the EAC's and state level purported ‘certifications’ of the system in reliance on the non-accredited testing reports are null and void, and the Election was conducted by Director in violation of state and federal law. (“Uncertified Voting System”; 52 USC §20971, RCW 29A.12.080, RCW 29A.12.020, WAC 434-335-010, WAC 434-335-250, WAC 434-335-040(f).)

15. Plaintiffs are further informed and believe, and thereon allege, that in November 2020, Director personally certified the County’s tabulation results generated by the Uncertified

Voting System for the Election, and that such act was in further error and/or neglect under state and federal law.

**V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**

**(Citizen Plaintiffs v. Director)**

16. Plaintiffs incorporate the allegations of paragraphs 1 through 15 above, as though fully set forth herein.

17. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that any electronic voting system used by Director to tabulate votes must be properly and legally certified under state and federal law.

18. Plaintiffs are informed and believe, and thereon allege, that Director disputes and denies the allegations of paragraphs 11 through 15 above.

19. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director as they pertain to the Uncertified Voting System used for the Election and future elections conducted by Director in the County.

**VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**

**(Citizen Plaintiffs v. Director)**

20. Plaintiffs incorporate the allegations of paragraphs 1 through 19 above, as though fully set forth herein.

21. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from conducting elections on the Uncertified Voting System, as any additional elections conducted using the Uncertified Voting System will be in further violation of state and federal law. In addition, Plaintiffs will suffer

irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

22. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from using the Uncertified Voting System or any uncertified voting system to tabulate votes in any election held in the County.

## **VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS**

### **RCW 29A.68.013(1) and/or (2)**

#### **(Citizen Plaintiffs v. Director)**

23. Plaintiffs incorporate the allegations of paragraphs 1 through 22 above, as though fully set forth herein.

24. Prior to assuming the duties of overseeing elections for the County, Director entered into a solemn contract with the citizens of the County in the form of a publicly sworn oath to, *inter alia*, 'faithfully and impartially discharge the duties of his or her office to the best of his or her ability.' (RCW 36.16.040; "Oath")

25. Contrary to Director's Oath, Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating electronic manipulation of the voting results from the Election.

26. Plaintiffs are informed and believe and thereon allege, based on official electronic tallies recorded and electronically reported and captured in real time, that approximately 6,000 votes were flipped, over 400,000 votes were added, and/or thousands of votes were removed in one or more state-wide races before, during, and/or after the Election. Plaintiffs are informed and

believe and thereon allege, that a portion of the state-wide vote flipping, additions and/or deletions occurred in the County's Election overseen by Director.

### **VIII. DECLARATORY RELIEF: VOTE FLIPPING, ADDITIONS AND/OR DELETIONS**

#### **(Citizen Plaintiffs v. Director)**

27. Plaintiffs incorporate the allegations of paragraphs 1 through 26 above, as though fully set forth herein.

28. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in a wrongful act, error and/or neglect of duty by allowing and/or facilitating electronic manipulation of the voting results from the Election.

29. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the alleged vote flipping, additions and/or deletions before, during and/or after the Election.

### **IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS**

#### **(Citizen Plaintiffs v. Director)**

30. Plaintiffs incorporate the allegations of paragraphs 1 through 29 above, as though fully set forth herein.

31. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating electronic manipulation of the voting results for any election held in the County. In addition, Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

32. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from allowing and/or facilitating electronic manipulation of the voting results for any election held in the County.

#### **X. WRONGFUL ACTS: PARTY PREFERENCE**

**RCW 29A.68.013(1) and/or (2)**

**(Citizen Plaintiffs v. Director)**

33. Plaintiffs incorporate the allegations of paragraphs 1 through 32 above, as though fully set forth herein.

34. Contrary to Director's Oath of impartiality, Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

#### **XI. DECLARATORY RELIEF: PARTY PREFERENCE**

**(Citizen Plaintiffs v. Director)**

35. Plaintiffs incorporate the allegations of paragraphs 1 through 34 above, as though fully set forth herein.

36. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in wrongful acts, errors and/or neglect of duty by: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

37. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the alleged party preference conduct.

## **XII. EQUITABLE RELIEF: PARTY PREFERENCE**

**(Citizen Plaintiffs v. Director)**

38. Plaintiffs incorporate the allegations of paragraphs 1 through 36 above, as though fully set forth herein.

39. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating party preference tracking and/or ballot identification. In addition, Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

40. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

## **XIII. WRONGFUL ACTS: BALLOT SECURITY**

**RCW 29A.68.013(1) and/or (2)**

**(Citizen Plaintiffs v. Director)**

41. Plaintiffs incorporate the allegations of paragraphs 1 through 40 above, as though fully set forth herein.

42. Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

#### **XIV. DECLARATORY RELIEF: BALLOT SECURITY**

**(Citizen Plaintiffs v. Director)**

43. Plaintiffs incorporate the allegations of paragraphs 1 through 42 above, as though fully set forth herein.

44. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

45. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the above alleged wrongful acts.

#### **XV. EQUITABLE RELIEF: BALLOT SECURITY**

**(Citizen Plaintiffs v. Director)**

46. Plaintiffs incorporate the allegations of paragraphs 1 through 45 above, as though fully set forth herein.

47. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots. In addition,

Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

48. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

## XVI. PUBLIC RECORDS ACTION

### **RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110**

#### **(Plaintiff WEiCU v. Director and County)**

49. Plaintiffs incorporate the allegations of paragraphs 1 through 48 above, as though fully set forth herein.

50. In order to prove (or disprove) Plaintiffs' allegations herein, WEiCU brings this Public Records Act action to compel Defendants to provide access to public records from the Election for a full forensic audit. (RCW 42.56.030, 42.56.550, 29A.60.110).

51. In September 2021, Plaintiff WEiCU submitted a records request to Director requesting original ballots, ballot images, spoiled ballots, adjudication records, ballot envelopes, and returned ballots for the Election. (RCW 42.56, "PRR"). The County denied one or more of the requested documents in WEiCU's PRR as exempt under RCW 42.56 citing RCW 29A.60.110 and/or White v. Clark County, 199 Wn.App. 929 (2017) ("PRR Denial"; "White Case").

52. Contrary to the PRR Denial, RCW 29A.60.110 does not prohibit ballot review and expressly permits court ordered review of ballots. In addition, the White Case relies on WA State Constitution Article 6, Section 6 as grounds for refusing access to ballots, but that provision

actually guarantees secrecy only in the preparation and deposit of ballots, and says nothing about secrecy following an election: "The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in **preparing** and **depositing** his ballot." [WA State Const. Art. 6, § 6 [emphasis added].)

53. Article 6, Section 6 does not prohibit public access to unidentifiable ballots after an election. Such interpretation of the State Constitution would prevent any ballot reviews relating to wrongful acts in an election and would be contrary to Article 1, Section 19 of the Washington State Constitution which ensures fair and free elections in our state: "All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

54. Moreover, the State Constitution is consistent with Washington State law and administrative code, which provide that access to ballots or ballot images via court order is entirely appropriate to prove or disprove election irregularities, and that such review "shall be de novo." (RCW 42.56.030 [the people do not yield their sovereignty to the agencies and insist on remaining informed so that they may maintain control over the instruments they have created to assure public interest is fully protected]; RCW 42.56.550(3) [judicial review of all agency actions taken or challenged under the [PRA] "shall be de novo".]; RCW 29A.60.110 [allows unsealing of ballots "...by order of the superior court in a contest or election dispute."]; WAC 434-261-045 ["Voted ballots and voted ballot images may . . . be accessed in accordance with RCW 29A.60.110 [unsealing of ballots allowed by court order]).

55. Numerous courts outside of Washington State have ruled that ballots are public records and subject to inspection: "Nothing could be more obvious than that a ballot becomes a public record once it is voted." (*Rogers v. Hood*, 906 So. 2d 1220, 1223 (Fla. Dist. Ct. App. 2005);

*Marks v. Koch*, 284 P.3d 118, 122 (Colo. App. 2011) [ballot secrecy is not violated if "the identity of the voter cannot be discerned from the face of that ballot"]).

56. Defendants must be compelled to comply with the PRR not only because the documents requested are public records, but also to prove (or disprove) the allegations herein. WEiCU further requests that the Court unseal the ballots under RCW 29A.60.110, as Plaintiff WEiCU stands ready, willing and able to conduct a full forensic audit of the requested public records in coordination with Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa county Arizona ballot auditor of 2020 General Election 2.1 million ballots.

## **XVII. DECLARATORY RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**

**WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, §19, §29; ART. VI, §6,**

**US CONSTITUTION AMENDMENTS I, XIV**

**(Citizen Plaintiffs v. Director)**

57. Plaintiffs incorporate the allegations of paragraphs 1 through 56 above, as though fully set forth herein.

58. The right to freely elect one's representatives and to influence the political direction of one's government is the democratic republic's indispensable political foundation. Without free elections, there is neither the possibility for citizens to express their will nor the opportunity for citizens to change their leaders, approve policies for the country, address wrongs, or protest the limitation of their rights afforded to them by the Constitution. (Article 1, §19 Washington State Constitution).

59. Moreover, Constitutional requirements and mandates may not be ignored by Director or this Court. (Article 1, §2, §29, Washington State Constitution.) Elections establish the citizenry's and the individual's right to FREE SPEECH as depicted by the First Amendment of the

Constitution of the United States of America. Accordingly, Plaintiffs hereby demand of the Superior Court that the state and federal Constitutions be followed so that free and fair elections may be held in the County consistent with the free speech will of the People.

60. Article 1 § 3 of the Washington State Constitution states: "No person shall be deprived of life, liberty, or property without due process of law." The right to vote is a fundamental right to which all lawful citizens of Washington State who meet the requirements are entitled, and as such this right is a "liberty" protected under Article 1 Section 3 of the Washington State Constitution.

61. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend as follows:

a. Director's wrongful acts as alleged herein infringed upon Plaintiffs' fundamental rights of equal protection, due process, and/or free speech under the Washington State Constitution and/or United States Constitution and amendments;

b. Because Director failed to follow state and federal law, qualified electors were denied their fundamental right of suffrage without due process of law. Qualified electors who voted similarly had the value of their votes diluted, and the will of said voters denied, without due process of law;

c. That the principles of equal protection require that Director abide by the process created by the Legislature to ensure uniform treatment of ballots regardless of who cast them, the manner in which they are cast, and/or who or what was voted for upon those ballots;

d. That Director's conduct alleged herein abridged Plaintiffs' rights under the fourteenth amendment to the United States Constitution, which reads in relevant part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the

United States; nor shall any state ... deny to any person within its jurisdiction the equal protection of the laws." The requirements of the special "privileges or immunities" prohibition of WA State Const. Art. 1, § 12 are in most cases at least as stringent as those of the federal equal protection clause. *Hunter v. North Mason High Sch.*, 85 Wn.2d 810, 819 n. 9, 539 P.2d 845 (1975);

- e. That ballots from County electors, including Plaintiffs herein, were not treated equally nor given equal levels of protection under the law; and,
- f. That Plaintiffs' state and/or federal Constitutional rights have been abridged as a proximate result of Director's conduct as alleged herein.

62. Plaintiffs are informed and believe, and thereon allege, that Director disputes and denies the contentions set forth in subparagraphs (a) through (f) above.

63. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director, as they pertain to the Election and future elections in the County.

#### **XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**

##### **(Citizen Plaintiffs v. Director)**

64. Plaintiffs incorporate the allegations of paragraphs 1 through 63 above, as though fully set forth herein.

65. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Unless Director is immediately and permanently restrained from taking any further actions in violation of Plaintiff's Constitutional rights, Plaintiffs will suffer irreparable injury in that, among other things, their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

66. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from:

- a) Using an Uncertified Voting System;
- b) Allowing or facilitating vote flipping, additions and/or deletions;
- c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,
- d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.

## **XIX. DAMAGES FOR CIVIL RIGHTS VIOLATIONS**

### **42 USC §1983, §1988**

#### **(Citizen Plaintiffs v. Director)**

67. Plaintiffs incorporate the allegations of paragraphs 1 through 66 above, as though fully set forth herein.

68. Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (42 U.S.C. §1983).

69. Director's actions as alleged herein were done under color of state law.

70. While acting under color of state law, and as a proximate result of Director's conduct, Director deprived Plaintiffs of their federal rights under, *inter alia*, the First and/or Fourteenth Amendments to the United States Constitution.

71. Plaintiffs have incurred and will incur expenses of suit as a result of this proceeding, in an amount that cannot yet be ascertained, and reserve all rights to recovery under 42 U.S.C. Sections 1983 and 1988.

## **XX. DEMAND FOR JURY TRIAL**

72. Director's conduct alleged herein raises serious questions of fact. (RCW 4.44.090 [all questions of fact shall be decided by the jury].) Plaintiffs' right of trial by jury "shall remain inviolate". (Washington State Constitution, Art. 1, §21; US Constitution Amendment VII.) Plaintiffs hereby demand a jury trial.

## **XXI. RELIEF SOUGHT**

WHEREFORE, PLAINTIFFS pray for judgment as follows:

1. That Director be found in error and/or neglect for using an Uncertified Voting System during the Election;
2. That Director be found in error and/or neglect for allowing and/or facilitating vote flipping, additions and/or deletions before, during and/or after the Election;
3. That Director be found in error and/or neglect for allowing or facilitating party preference tracking and/or ballot identification for the Election;
4. That Director be found in error and/or neglect for allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes;
5. That Director be ordered to desist from the following errors and wrongful acts and facilitation thereof:
  - a) Using an Uncertified Voting System;
  - b) Allowing or facilitating vote flipping, additions and/or deletions;

- c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,
  - d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.
6. That Director and/or Defendant County be compelled and ordered to comply with WEiCU's PRR, including a Court order unsealing ballots under RCW 29A.60.110, for the purpose, *inter alia*, of a full forensic audit conducted by Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa county Arizona ballot auditor of 2020 General Election 2.1 million ballots;
7. For a declaration that Director's actions violated Plaintiffs' Constitutional Rights to Equal Protection, Due Process, and/or Free Speech Under the Law (WA State Const., Art I, § 1, § 2, § 3, § 12, §19, §29 ; Art. VI, §6, US Const. Amendments I and/or XIV);
8. For preliminary and permanent injunctive relief injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) enjoining Director, Director's agents, employees, and all persons acting in concert with Director, from any and all of the following actions, as Plaintiffs' remedies at law are inadequate, and Director's conduct will cause Plaintiffs to suffer irreparable injury through continued violations of their Constitutional rights:
- a) Using an Uncertified Voting System;
  - b) Allowing or facilitating vote flipping, additions and/or deletions;
  - c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,

d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.

9. For damages for violation of Plaintiffs' constitutional rights under color of law (42 U.S.C. Sections 1983); and/or,

10. For attorney's fees, for costs of suit, and for such other and further relief as the Court deems just and proper.

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED,  
a WA State Nonprofit Corporation

Dated: 9/17/2021

DocuSigned by:

  
Tamborine Borrelli

FB5CE67D15384E3

By: Tamborine Borrelli

Its: Director

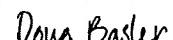
Address: 13402 125<sup>th</sup> Ave NW

Gig Harbor, WA 98329-4215

Phone: 253-375-1255

Dated: 9/16/2021

DocuSigned by:

  
Doug Basler

7076DA9C713343B

Doug Basler

Plaintiff, *Pro Se*

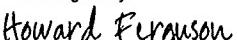
Address: 1851 Central Place S, Suite 123

Kent, WA 98032

Phone: (206) 601-3133

Dated: 9/16/2021

DocuSigned by:

  
Howard Ferguson

58CF500B2FFF40E

Howard Ferguson

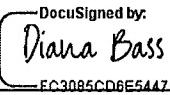
Plaintiff, *Pro Se*

Address: 4357 13th Ave. S.

Seattle, WA 98108

Phone: (206) 898-2696

Dated: 9/16/2021

DocuSigned by:  
  
Diana Bass  
FC3085CD6E54475

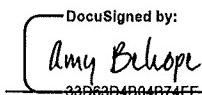
Diana Bass  
Plaintiff, *Pro Se*  
Address: P.O. Box 7364  
Bellevue, WA 98008  
Phone: (425) 649-9765

Dated: 9/17/2021

DocuSigned by:  
  
Timofey Samoylenko  
085BCC574019479

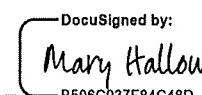
Plaintiff, *Pro Se*  
Address: 1921 R St. NE  
Auburn, WA 98002  
Phone: (206) 305-3692

Dated: 9/16/2021

DocuSigned by:  
  
Amy Behope  
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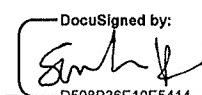
Plaintiff, *Pro Se*  
Address: 507 SW 302nd St  
Federal Way, WA 98023  
Phone: (206) 683-3122

Dated: 9/17/2021

DocuSigned by:  
  
Mary Hallowell  
B608C037F94C48D

Plaintiff, *Pro Se*  
Address: 17505 462nd Ave SE  
North Bend, WA 98045  
Phone: (425) 888-2208

Dated: 9/17/2021

DocuSigned by:  
  
Samantha Bucari  
D608B36E10E5441

Plaintiff, *Pro Se*  
Address: 3546 S 244th St  
Kent, WA 98032  
Phone: (253) 653-7553

Dated: 9/17/2021

DocuSigned by:  
  
2BBB90D5609F41A

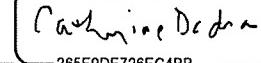
Ronald Stewart  
Plaintiff, *Pro Se*  
Address: 29506 51st Avenue South  
Auburn, WA 98001  
Phone: (206) 790-8187

Dated: 9/16/2021

DocuSigned by:  
  
5040046104A3433

Lydia Zibin  
Plaintiff, *Pro Se*  
Address: 254 145th PL SE  
Bellevue, WA 98007  
Phone: (425) 894-1467

Dated: 9/16/2021

DocuSigned by:  
  
266E9DE726EC4BD

Catherine Dodson  
Plaintiff, *Pro Se*  
Address: 42131-212th Ave SE  
Enumclaw, WA 98022  
Phone: (253) 709-3339

## VERIFICATIONS

I, Tamborine Borrelli, declare:

I am the Director of Washington Election Integrity Coalition United, a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in Thurston County, State of Washington,

9/17/2021  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2021. WASHINGTON ELECTION INTEGRITY COALITION UNITED, a WA State Nonprofit

DocuSigned by:  
Tamborine Borrelli  
PASCEOPHONES

By: Tamborine Borrelli  
Its: Director

I, Doug Basler, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that

the foregoing is true and correct and that this document was executed in the County of  
King  
9/16/2021

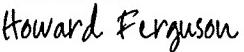
State of Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

DocuSigned by:  
Doug Basler  
707309C713343B..

Doug Basler

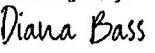
I, Howard Ferguson, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of KING \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
Howard Ferguson  
686F5C6B2FFF48E...  
Howard Ferguson

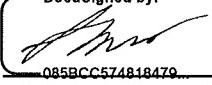
I, Diana Bass, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of KING \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
Diana Bass  
FC3085CD6E54475...  
Diana Bass

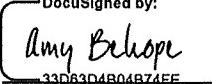
I, Timofey Samoylenko, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

9/17/2021  
  
Timofey Samoylenko

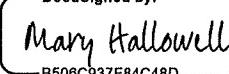
I, Amy Behope, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

9/16/2021  
  
Amy Behope

I, Mary Hallowell, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/17/2021, 2021.

DocuSigned by:  
  
Mary Hallowell  
B506C937E84C48D  
\_\_\_\_\_  
Mary Hallowell

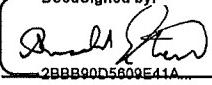
I, Samantha Bucari, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/17/2021, 2021.

DocuSigned by:  
  
Samantha Bucari  
B506B30E10E5414  
\_\_\_\_\_  
Samantha Bucari

I, Ronald Stewart, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/17/2021, 2021.

DocuSigned by:  
  
Ronald Stewart  
2BBB00D5600E41A

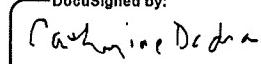
I, Lydia Zibin, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
Lydia Zibin  
5940946104A3433

I, Catherine Dodson, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
266E0DE726EC4BB...  
Catherine Dodson

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 002  
Order Setting Case Schedule**

FILED  
2021 SEP 22  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 21-2-12603-7 KNT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

WASHINGTON INTEGRITY COALITION UNITED	ELECTION	NO. 21-2-12603-7 KNT
vs	Plaintiff(s)	ORDER SETTING CIVIL CASE SCHEDULE
JULIE WISE		ASSIGNED JUDGE: MCCULLOUGH, Dept. 32)
	Defendant(s)	FILED DATE: 09/22/2021 TRIAL DATE:09/19/2022

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

**I. NOTICES**

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

**NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

You are required to give a copy of these documents to all parties in this case.

## I. NOTICES (continued)

### CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

### KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

### PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

### NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

### ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$250 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$400 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

### NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

## II. CASE SCHEDULE

* CASE EVENT	EVENT DATE
Case Filed and Schedule Issued.	09/22/2021
* Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. <b>\$220 arbitration fee must be paid</b>	03/02/2022
* DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on Page 2].	03/02/2022
DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	03/16/2022
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(k)].	04/18/2022
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(k)].	05/31/2022
DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	06/13/2022
DEADLINE for a Change in Trial Date [See KCLCR 40(e)(2)].	06/13/2022
DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	08/01/2022
DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	08/22/2022
DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	08/29/2022
* DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)]	08/29/2022
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	09/06/2022
* Joint Statement of Evidence [See KCLCR 4 (k)]	09/12/2022
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	09/12/2022
Trial Date [See KCLCR 40].	09/19/2022

The \* indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

## III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 09/22/2021



PRESIDING JUDGE

#### IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**CASE SCHEDULE AND REQUIREMENTS:** Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

##### **THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

###### **A. Joint Confirmation regarding Trial Readiness Report**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at [www.kingcounty.gov/courts/scforms](http://www.kingcounty.gov/courts/scforms). If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

###### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

###### **C. Trial**

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website [www.kingcounty.gov/courts/superiorcourt](http://www.kingcounty.gov/courts/superiorcourt) to confirm the trial judge assignment.

#### **MOTIONS PROCEDURES**

###### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**Non-dispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule

7 governs these motions, which include discovery motions. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules).

**Emergency Motions:** Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

**B. Original Documents/Working Copies/ Filing of Documents:** All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules).

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at [www.kingcounty.gov/courts/clerk/documents/eWC](http://www.kingcounty.gov/courts/clerk/documents/eWC).

**Service of documents:** Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at [www.kingcounty.gov/courts/clerk/documents/efiling](http://www.kingcounty.gov/courts/clerk/documents/efiling) regarding E-Service.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information:  
[www.kingcounty.gov/courts/SuperiorCourt/judges](http://www.kingcounty.gov/courts/SuperiorCourt/judges).

**Presentation of Orders for Signature:** All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department.** Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

#### C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count

includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3): the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

***IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.***



---

PRESIDING JUDGE

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 003  
Case Information Cover  
Sheet**

OSOO  
GEGFÄÖUÄGG  
SÖÖÄUWPVY  
ÙWÜÖÜØÜÄÜWÜVÄÖSÜS

ÔDEUÖÄKÖFÖEGI EHË ÁSPV

KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET  
(CICS)

Pursuant to King County Code 4A.630.060, a faulty document fee of \$15 may be assessed to new case filings missing this sheet.

**21-2-12603-7 KNT**

CASE NUMBER: \_\_\_\_\_

(Provided by the Clerk)

CASE CAPTION: WEICU ET. AL, VS. JULIEWISE, Director of King County Elections, ET. AL,  
(New case: Print name of person starting case vs. name of person or agency you are filing against.)  
(When filing into an existing family law case, the case caption remains the same as the original filing.)

Please mark one of the boxes below:

Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

I certify that this case meets the case assignment criteria, described in King County LCR 82(e).

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
WSBA Number

\_\_\_\_\_  
Date

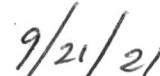
or



\_\_\_\_\_  
Signature of person who is starting case

Doug BASTER

\_\_\_\_\_  
Date



28716 126 PL SE Kent WA 98031

Address, City, State, Zip Code of person who is starting case if not represented by attorney

**KING COUNTY SUPERIOR COURT**  
**CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET**

**CIVIL**

Please check the category that best describes this case.

**APPEAL/REVIEW**

- Administrative Law Review (ALR 2)\*  
 (Petition to the Superior Court for review of rulings made by state administrative agencies. ( e.g. DSHS Child Support, Good to Go passes, denial of benefits from Employment Security, DSHS)
- Board of Industrial Insurance Appeals – Workers Comp (ALRLI 2)\*  
 (Petition to the Superior Court for review of rulings made by Labor & Industries.)
- DOL Revocation (DOL 2)\*  
 (Appeal of a DOL revocation Implied consent-Test refusal ONLY.) RCW 46.20.308(9)
- Subdivision Election Process Review (SER 2)\*  
 (Intent to challenge election process)
- Voter Election Process Law Review (VEP 2)\*  
 (Complaint for violation of voting rights act)
- Petition to Appeal/Amend Ballot Title (BAT 2)

**CONTRACT/COMMERCIAL**

- Breach of Contract (COM 2)\*  
 (Complaint involving money dispute where a breach of contract is involved.)
- Commercial Contract (COM 2)\*  
 (Complaint involving money dispute where a contract is involved.)
- Commercial Non-Contract (COL 2)\*  
 (Complaint involving money dispute where no contract is involved.)

Third Party Collection (COL 2)\*

(Complaint involving a third party over a money dispute where no contract is involved.)

**JUDGMENT**

- Abstract, Judgment, Another County (ABJ 2)  
 (A certified copy of a judgment docket from another Superior Court within the state.)
- Confession of Judgment (CFJ 2)\*  
 (The entry of a judgment when a defendant admits liability and accepts the amount of agreed-upon damages but does not pay or perform as agreed upon.)
- Foreign Judgment (from another State or Country) (FJU 2)  
 (Any judgment, decree, or order of a court of the United States, or of any state or territory, which is entitled to full faith and credit in this state.)
- Tax Warrant or Warrant (TAX 2)  
 (A notice of assessment by a state agency or self-insured company creating a judgment/lien in the county in which it is filed.)
- Transcript of Judgment (TRJ 2)  
 (A certified copy of a judgment from a court of limited jurisdiction (e.g. District or Municipal court) to a Superior Court.)

**PROPERTY RIGHTS**

- Condemnation/Eminent Domain (CON 2)\*  
 (Complaint involving governmental taking of private property with payment, but not necessarily with consent.)

- Foreclosure (FOR 2)\*  
(Complaint involving termination of ownership rights when a mortgage or tax foreclosure is involved, where ownership is not in question.)
- Land Use Petition (LUP 2)\*  
(Petition for an expedited judicial review of a land use decision made by a local jurisdiction.) RCW 36.70C.040
- Property Fairness Act (PFA 2)\*  
(Complaint involving the regulation of private property or restraint of land use by a government entity brought forth by Title 64.)
- Quiet Title (QTI 2)\*  
(Complaint involving the ownership, use, or disposition of land or real estate other than foreclosure.)
- Residential Unlawful Detainer (Eviction) (UND 2)  
(Complaint involving the unjustifiable retention of lands or attachments to land, including water and mineral rights.)
- Non-Residential Unlawful Detainer (Eviction) (UND 2)  
(Commercial property eviction.)
- OTHER COMPLAINT/PETITION**
- Action to Compel/Confirm Private Binding Arbitration (CAA 2)  
(Petition to force or confirm private binding arbitration.)
- Assurance of Discontinuance (AOD 2)  
(Filed by Attorney General's Office to prevent businesses from engaging in improper or misleading practices.)
- Birth Certificate Change(PBC 2)  
(Petition to amend birth certificate)
- Bond Justification (PBJ 2)  
(Bail bond company desiring to transact surety bail bonds in King County facilities.)
- Change of Name (CHN 5)  
(Petition for name change, when domestic violence/anti-harassment issues require confidentiality.)
- Certificate of Rehabilitation (CRR 2)  
(Petition to restore civil and political rights.)
- Certificate of Restoration Opportunity(CRP 2)  
(Establishes eligibility requirements for certain professional licenses)
- Civil Commitment (sexual predator) (PCC 2)  
(Petition to detain an individual involuntarily.)
- Notice of Deposit of Surplus Funds (DSF 2)  
(Deposit of extra money from a foreclosure after payment of expenses from sale and obligation secured by the deed of trust.)
- Emancipation of Minor (EOM 2)  
(Petition by a minor for a declaration of emancipation.)
- Foreign Subpoena (OSS 2)  
(To subpoena a King County resident or entity for an out of state case.)
- Foreign Protection Order (FPO 2)  
(Registering out of state protection order)
- Frivolous Claim of Lien (FVL 2)  
(Petition or Motion requesting a determination that a lien against a mechanic or materialman is excessive or unwarranted.)
- Application for Health & Safety Inspection (HSI 2)

- Injunction (INJ 2)\*  
(Complaint/petition to require a person to do or refrain from doing a particular thing.)
- Interpleader (IPL 2)  
(Petition for the deposit of disputed earnest money from real estate, insurance proceeds, and/or other transaction(s).)
- Malicious Harassment (MHA 2)\*  
(Suit involving damages resulting from malicious harassment.) RCW 9a.36.080
- Non-Judicial Filing (NJF 2)  
(See probate section for TEDRA agreements. To file for the record document(s) unrelated to any other proceeding and where there will be no judicial review.)
- Other Complaint/Petition (MSC 2)\*  
(Filing a Complaint/Petition for a cause of action not listed)
- Minor Work Permit (MWP 2)  
(Petition for a child under 14 years of age to be employed)
- Perpetuation of Testimony (PPT 2)  
(Action filed under CR 27)
- Petition to Remove Restricted Covenant (RRC 2)  
Declaratory judgment action to strike discriminatory provision of real property contract.
- Public records Act (PRA 2)\*  
(Action filed under RCW 42.56)
- Receivership (RCV 2)  
(The process of appointment by a court of a receiver to take custody of the property, business, rents and profits of a party to a lawsuit pending a final decision on disbursement or an agreement.)
- Relief from Duty to Register (RDR 2)  
(Petition seeking to stop the requirement to register.)
- Restoration of Firearm Rights (RFR 2)  
(Petition seeking restoration of firearms rights under RCW 9.41.040 and 9.41.047.)
- School District-Required Action Plan (SDR 2)  
(Petition filed requesting court selection of a required action plan proposal relating to school academic performance.)
- Seizure of Property from the Commission of a Crime-Seattle (SPC 2)\*  
(Seizure of personal property which was employed in aiding, abetting, or commission of a crime, from a defendant after conviction.)
- Seizure of Property Resulting from a Crime-Seattle (SPR 2)\*  
(Seizure of tangible or intangible property which is the direct or indirect result of a crime, from a defendant following criminal conviction. (e.g., remuneration for, or contract interest in, a depiction or account of a crime.))
- Structured Settlements- Seattle (TSS 2)\*  
(A financial or insurance arrangement whereby a claimant agrees to resolve a personal injury tort claim by receiving periodic payments on an agreed schedule rather than as a lump sum.)
- Vehicle Ownership (PVO 2)\*  
(Petition to request a judgment awarding ownership of a vehicle.)
- TORT, ASBESTOS**
- Personal Injury (ASP 2)\*  
(Complaint alleging injury resulting from asbestos exposure.)

- Wrongful Death (ASW 2)\*  
(Complaint alleging death resulting from asbestos exposure.)
- TORT, MEDICAL MALPRACTICE**
- Hospital (MED 2)\*  
(Complaint involving injury or death resulting from a hospital.)
- Medical Doctor (MED 2)\*  
(Complaint involving injury or death resulting from a medical doctor.)
- Other Health care Professional (MED 2)\*  
(Complaint involving injury or death resulting from a health care professional other than a medical doctor.)
- TORT, MOTOR VEHICLE**
- Death (TMV 2)\*  
(Complaint involving death resulting from an incident involving a motor vehicle.)
- Non-Death Injuries (TMV 2)\*  
(Complaint involving non-death injuries resulting from an incident involving a motor vehicle.)
- Property Damages Only (TMV 2)\*  
(Complaint involving only property damages resulting from an incident involving a motor vehicle.)
- Victims Vehicle Theft (VVT 2)\*  
(Complaint filed by a victim of car theft to recover damages.) RCW 9A.56.078
- TORT, NON-MOTOR VEHICLE**
- Other Malpractice (MAL 2)\*  
(Complaint involving injury resulting from other than professional medical treatment.)
- Personal Injury (PIN 2)\*  
(Complaint involving physical injury not resulting from professional medical treatment, and where a motor vehicle is not involved.)
- Products Liability (TTO 2)\*  
(Complaint involving injury resulting from a commercial product.)
- Property Damages (PRP 2)\*  
(Complaint involving damage to real or personal property excluding motor vehicles.)
- Property Damages-Gang (PRG 2)\*  
(Complaint to recover damages to property related to gang activity.)
- Tort, Other (TTO 2)\*  
(Any other petition not specified by other codes.)
- Wrongful Death (WDE 2)\*  
(Complaint involving death resulting from other than professional medical treatment.)
- WRIT**
- Habeas Corpus (WHC 2)  
(Petition for a writ to bring a party before the court.)
- Mandamus (WRM 2)\*\*  
(Petition for writ commanding performance of a particular act or duty.)
- Review (WRV 2)\*\*  
(Petition for review of the record or decision of a case pending in the lower court; does not include lower court appeals or administrative law reviews.)

\*The filing party will be given an appropriate case schedule at time of filing.

\*\* Case schedule will be issued after hearing and findings.

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 004  
Summons**

RECEIVED

2021 SEP 22 PM 1:32

KING COUNTY  
SUPERIOR COURT CLERK  
KENT, WA

**SUPERIOR COURT OF THE STATE OF WASHINGTON**  
**FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; )  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY )  
BEHOPE; MARY HALLOWELL; )  
SAMANTHA BUCARI; RONALD )  
STEWART; LYDIA ZIBIN; )  
CATHERINE DODSON, )  
)  
)  
)  
Plaintiffs, )  
)  
v. )  
)  
)  
JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
)  
Defendants. )  
\_\_\_\_\_)

Case No.

**21-2-12603-7 KNT**

SUMMONS (20 DAYS)

TO THE DEFENDANTS: A lawsuit has been started against you in the above entitled court by Washington Election Integrity Coalition United, a Washington State Nonprofit Corporation, Doug Basler, Howard Ferguson, Diana Bass, Timofey Samoylenko, Amy Behope,

Mary Hallowell, Samantha Bucari, Ronald Stewart, Lydia Zibin, and Catherine Dodson, plaintiffs.

Plaintiffs' claims are stated in the written complaint, a copy of which is served upon you with this summons. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiffs are entitled to what she/he/they ask for because you have not responded. If you serve a notice of appearance on the undersigned persons, you are entitled to notice before a default judgment may be entered. You may demand that the plaintiffs file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the persons signing this summons. Within 14 days after you serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this summons and complaint will be void. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED,  
a WA State Nonprofit Corporation

Dated: 9/17/2021

DocuSigned by:  
  
FB5CE07D15304E3  
By: Tamborine Borrelli  
Its: Director  
Address: 13402 125<sup>th</sup> Ave NW  
Gig Harbor, WA 98329-4215  
Phone: 253-375-1255

/ / /

Dated: 9/16/2021

DocuSigned by:

  
Doug Basler

7076DA9C713343R

Doug Basler  
Plaintiff, *Pro Se*  
Address: 1851 Central Place S, Suite 123  
Kent, WA 98032  
Phone: (206) 601-3133

Dated: 9/16/2021

DocuSigned by:

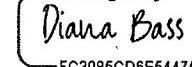
  
Howard Ferguson

5ACF5C6B2FFF46E

Howard Ferguson  
Plaintiff, *Pro Se*  
Address: 4357 13th Ave. S.  
Seattle, WA 98108  
Phone: (206) 898-2696

Dated: 9/16/2021

DocuSigned by:

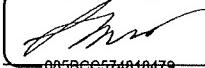
  
Diana Bass

FC3085CD6E54475

Diana Bass  
Plaintiff, *Pro Se*  
Address: P.O. Box 7364  
Bellevue, WA 98008  
Phone: (425) 649-9765

Dated: 9/17/2021

DocuSigned by:

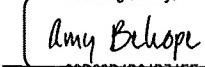
  
Timofey Samoylenko

005000574010479...

Plaintiff, *Pro Se*  
Address: 1921 R St. NE  
Auburn, WA 98002  
Phone: (206) 305-3692

Dated: 9/16/2021

DocuSigned by:

  
Amy Behope

33D03D4B04B74FE...

Plaintiff, *Pro Se*  
Address: 507 SW 302nd St  
Federal Way, WA 98023  
Phone: (206) 683-3122

Dated: 9/17/2021

DocuSigned by:

  
Mary Hallowell

B500C937F84C40D...

Mary Hallowell  
Plaintiff, *Pro Se*  
Address: 17505 462nd Ave SE  
North Bend, WA 98045  
Phone: (425) 888-2208

Dated: 9/17/2021

DocuSigned by:

  
Samantha Bucari

D500B90E10E5414...

Plaintiff, *Pro Se*  
Address: 3546 S 244th St  
Kent, WA 98032  
Phone: (253) 653-7553

Dated: 9/17/2021

DocuSigned by:

  
Ronald Stewart

20B090B669E41A...

Plaintiff, *Pro Se*  
Address: 29506 51st Avenue South  
Auburn, WA 98001  
Phone: (206) 790-8187

Dated: 9/16/2021

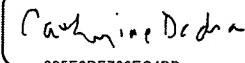
DocuSigned by:

  
Lydia Zibin

6010046104A3433...

Plaintiff, *Pro Se*  
Address: 254 145th PL SE  
Bellevue, WA 98007  
Phone: (425) 894-1467

Dated: 9/16/2021

DocuSigned by:  
  
266E0DE728EC4BB...

Catherine Dodson  
Plaintiff, *Pro Se*  
Address: 42131-212th Ave SE  
Enumclaw, WA 98022  
Phone: (253) 709-3339

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 005  
Affidavit of Service**

FILED  
KING COUNTY, WASHINGTON

SEP 24 2021  
SUPERIOR COURT CLERK

RECEIVED

2021 SEP 24 PM 2:59

KING COUNTY  
SUPERIOR COURT CLERK  
TACOMA, WA

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; )  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY )  
BEHOPE; MARY HALLOWELL; )  
SAMANTHA BUCARI; RONALD )  
STEWART; LYDIA ZIBIN; CATHERINE )  
DODSON,

Plaintiffs,

v.

JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive,

Defendants.

Case No.

21-2-12603-7 KNT

PROOF OF PERSONAL SERVICE  
CR4(g)

*King County*

Server declares:

1. My name is: Kevin L Schmadeka. I am not a party to this case. I am 18 years of age or older.
2. Personal Service: I served court documents for this case to (name of party):

King County, WA by (check one):

- Giving the documents directly to him/her.
- Giving the documents to (name): See "Other Information" below,

a person of suitable age and discretion employed by, and located at, the below-identified office, said office either accepting service and/or designated to accept service of process by the applicable legislative authority under RCW 4.28.080(1).

3. Date, time, and address of service:

Date: 9-23-21 Time: 3:02  a.m.  p.m.

Address:

clerkemergencyserviceprocess@kingcounty.gov

Number and street

City

State

Zip Code

4. Check all documents you served:

- Summons (Attach a copy)
- Verified Complaint for Equal Protection, Violation of Civil Rights, Equitable Relief, Injunctive Relief, Declaratory Relief, Public Records Action to Compel Ballot Production ALSO: Order Setting Civil Case Schedule

5. Fees charged for service; check the box if no fees charged:

- Does not apply.

6. Other information (if any): Documents were served in accordance with instructions posted on door of Auditor's office.

I declare under penalty of perjury under the laws of the State of Washington that the statements on this form are true.

Signed at (city and state): Puyallup WA Date: 9-24-21

Kevin L Schmadeka  
Signature of server

Kevin L Schmadeka  
Print or type name of server

# Clerk of the Council

**Effective 3/18/2020. Due to the recent COVID 19 cases linked to the King County downtown campus and until further notice, the King County Council Clerk is no longer accepting service of process against King County in person. Summons and complaints may be either emailed to the Clerk's Office at [clerkemergencyserviceprocess@kingcounty.gov](mailto:clerkemergencyserviceprocess@kingcounty.gov) or mailed to the attention of the King County Council Clerk at 516 3rd Ave, Room 1200, Seattle, WA 98104 by first-class USPS mail, postage prepaid. For tracking purposes, you may want to consider using USPS "Priority Service," which will allow you to track delivery. Claims for damages, which are accepted by Risk Management, should be emailed to [fileclaim@kingcounty.gov](mailto:fileclaim@kingcounty.gov) or mailed to: King County Office of Risk Management Services, 500 Fourth Avenue, Room 320, Seattle, WA 98104. If you have any questions regarding this announcement, please call 206-477-1025 and leave a message.**

RECEIVED

2021 SEP 22 PM 1:32

KING COUNTY  
SUPERIOR COURT CLERK  
KENT, WA

**SUPERIOR COURT OF THE STATE OF WASHINGTON**  
**FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; )  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY )  
BEHOPE; MARY HALLOWELL; )  
SAMANTHA BUCARI; RONALD )  
STEWART; LYDIA ZIBIN; )  
CATHERINE DODSON, )  
)  
)  
)  
Plaintiffs, )  
)  
v. )  
)  
)  
JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
)  
Defendants. )  
\_\_\_\_\_)

Case No.

**21-2-12603-7 KNT**

SUMMONS (20 DAYS)

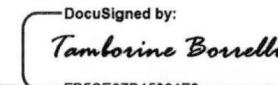
TO THE DEFENDANTS: A lawsuit has been started against you in the above entitled court by Washington Election Integrity Coalition United, a Washington State Nonprofit Corporation, Doug Basler, Howard Ferguson, Diana Bass, Timofey Samoylenko, Amy Behope,

Mary Hallowell, Samantha Bucari, Ronald Stewart, Lydia Zibin, and Catherine Dodson, plaintiffs.

Plaintiffs' claims are stated in the written complaint, a copy of which is served upon you with this summons. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiffs are entitled to what she/he/they ask for because you have not responded. If you serve a notice of appearance on the undersigned persons, you are entitled to notice before a default judgment may be entered. You may demand that the plaintiffs file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the persons signing this summons. Within 14 days after you serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this summons and complaint will be void. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED,  
a WA State Nonprofit Corporation

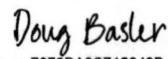
Dated: 9/17/2021

DocuSigned by:  
  
F85CE67D15304E3...  
By: Tamborine Borrelli  
Its: Director  
Address: 13402 125<sup>th</sup> Ave NW  
Gig Harbor, WA 98329-4215  
Phone: 253-375-1255

/ / /

Dated: 9/16/2021

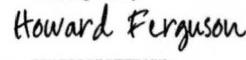
DocuSigned by:

  
Doug Basler

Doug Basler  
Plaintiff, *Pro Se*  
Address: 1851 Central Place S, Suite 123  
Kent, WA 98032  
Phone: (206) 601-3133

Dated: 9/16/2021

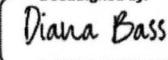
DocuSigned by:

  
Howard Ferguson

Howard Ferguson  
Plaintiff, *Pro Se*  
Address: 4357 13th Ave. S.  
Seattle, WA 98108  
Phone: (206) 898-2696

Dated: 9/16/2021

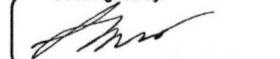
DocuSigned by:

  
Diana Bass

Diana Bass  
Plaintiff, *Pro Se*  
Address: P.O. Box 7364  
Bellevue, WA 98008  
Phone: (425) 649-9765

Dated: 9/17/2021

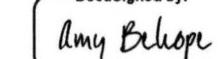
DocuSigned by:

  
Timofey Samoylenko

Plaintiff, *Pro Se*  
Address: 1921 R St. NE  
Auburn, WA 98002  
Phone: (206) 305-3692

Dated: 9/16/2021

DocuSigned by:

  
Amy Behope

Plaintiff, *Pro Se*  
Address: 507 SW 302nd St  
Federal Way, WA 98023  
Phone: (206) 683-3122

Dated: 9/17/2021

DocuSigned by:

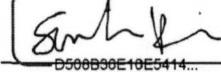
  
Mary Hallowell

B500B957F04C48D...

Mary Hallowell  
Plaintiff, *Pro Se*  
Address: 17505 462nd Ave SE  
North Bend, WA 98045  
Phone: (425) 888-2208

Dated: 9/17/2021

DocuSigned by:

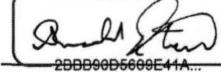
  
Samantha Bucari

D500B90E10E5414...

Samantha Bucari  
Plaintiff, *Pro Se*  
Address: 3546 S 244th St  
Kent, WA 98032  
Phone: (253) 653-7553

Dated: 9/17/2021

DocuSigned by:

  
Ronald Stewart

2DBB90D5600E41A...

Ronald Stewart  
Plaintiff, *Pro Se*  
Address: 29506 51st Avenue South  
Auburn, WA 98001  
Phone: (206) 790-8187

Dated: 9/16/2021

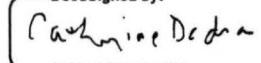
DocuSigned by:

  
Lydia Zibin

5010046104A3433...

Lydia Zibin  
Plaintiff, *Pro Se*  
Address: 254 145th PL SE  
Bellevue, WA 98007  
Phone: (425) 894-1467

Dated: 9/16/2021

DocuSigned by:  
  
265E0DE720EE64BB...

Catherine Dodson  
Plaintiff, *Pro Se*  
Address: 42131-212th Ave SE  
Enumclaw, WA 98022  
Phone: (253) 709-3339

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 006  
Affidavit of Service**

FILED  
KING COUNTY, WASHINGTON

SEP 24 2021

SUPERIOR COURT CLERK

RECEIVED

2021 SEP 24 PM 2:59

KING COUNTY  
SUPERIOR COURT CLERK  
KING, WA

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; )  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY )  
BEHOPE; MARY HALLOWELL; )  
SAMANTHA BUCARI; RONALD )  
STEWART; LYDIA ZIBIN; CATHERINE )  
DODSON, )  
Plaintiffs, )  
v. )  
JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
Defendants. )

Case No.

21-2-12603-7KNT

PROOF OF PERSONAL SERVICE  
CR4(g)

Julie Wise

Server declares:

1. My name is: Kevin Schmaderka. I am not a party to this case. I am 18 years of age or older.
2. Personal Service: I served court documents for this case to (name of party):  
Julie Wise by (check one):

- Giving the documents directly to him/her.  
 Giving the documents to (name): Nick H,

a person of suitable age and discretion employed by, and located at, the below-identified office, said office either accepting service and/or designated to accept service of process by the applicable legislative authority under RCW 4.28.080(1).

3. Date, time, and address of service:

Date: 9-22-21 Time: 2:20  a.m.  p.m.

Address:

719 5W Grady Way Renton WA 98057  
Number and street City State Zip Code

4. Check all documents you served:

- Summons (Attach a copy)  
 Verified Complaint for Equal Protection, Violation of Civil Rights, Equitable Relief, Injunctive Relief, Declaratory Relief, Public Records Action to Compel Ballot Production

5. Fees charged for service; check the box if no fees charged:

- Does not apply.

6. Other information (if any): Included: Order Setting Civil Case Schedule

I declare under penalty of perjury under the laws of the State of Washington that the statements on this form are true.

Signed at (city and state): Puyallup WA Date: 9-24-21

Kevin L Schmadeke  
Signature of server

Kevin L Schmadeke  
Print or type name of server

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2021 SEP 22 PM 1:32

KING COUNTY  
SUPERIOR COURT CLERK  
RENTON WA

**SUPERIOR COURT OF THE STATE OF WASHINGTON**  
**FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
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CATHERINE DODSON, )  
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v. )  
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JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
 )  
Defendants. )  
-----)

Case No.

**21-2-12603-7 KNT**

SUMMONS (20 DAYS)

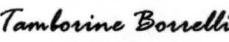
TO THE DEFENDANTS: A lawsuit has been started against you in the above entitled court by Washington Election Integrity Coalition United, a Washington State Nonprofit Corporation, Doug Basler, Howard Ferguson, Diana Bass, Timofey Samoylenko, Amy Behope,

Mary Hallowell, Samantha Bucari, Ronald Stewart, Lydia Zibin, and Catherine Dodson, plaintiffs.

Plaintiffs' claims are stated in the written complaint, a copy of which is served upon you with this summons. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiffs are entitled to what she/he/they ask for because you have not responded. If you serve a notice of appearance on the undersigned persons, you are entitled to notice before a default judgment may be entered. You may demand that the plaintiffs file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the persons signing this summons. Within 14 days after you serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this summons and complaint will be void. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED,  
a WA State Nonprofit Corporation

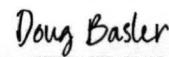
Dated: 9/17/2021

DocuSigned by:  
  
Tamborine Borrelli  
FB5CE07D15304E3...  
By: Tamborine Borrelli  
Its: Director  
Address: 13402 125<sup>th</sup> Ave NW  
Gig Harbor, WA 98329-4215  
Phone: 253-375-1255

///

Dated: 9/16/2021

DocuSigned by:

  
7076DA9C713343B

Doug Basler  
Plaintiff, *Pro Se*  
Address: 1851 Central Place S, Suite 123  
Kent, WA 98032  
Phone: (206) 601-3133

Dated: 9/16/2021

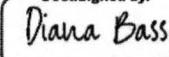
DocuSigned by:

  
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Howard Ferguson  
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Seattle, WA 98108  
Phone: (206) 898-2696

Dated: 9/16/2021

DocuSigned by:

  
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Diana Bass  
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Phone: (425) 649-9765

Dated: 9/17/2021

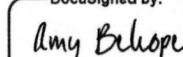
DocuSigned by:

  
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Timofey Samoylenko  
Plaintiff, *Pro Se*  
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Auburn, WA 98002  
Phone: (206) 305-3692

Dated: 9/16/2021

DocuSigned by:

  
33D63D4B04B74FE...

Amy Behope  
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Federal Way, WA 98023  
Phone: (206) 683-3122

Dated: 9/17/2021

DocuSigned by:

  
Mary Hallowell

B500C907FB4C4BD...

Mary Hallowell

Plaintiff, *Pro Se*

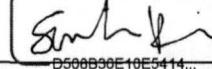
Address: 17505 462nd Ave SE

North Bend, WA 98045

Phone: (425) 888-2208

Dated: 9/17/2021

DocuSigned by:

  
Samantha Bucari

B500B50E10E5414...

Samantha Bucari

Plaintiff, *Pro Se*

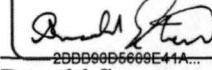
Address: 3546 S 244th St

Kent, WA 98032

Phone: (253) 653-7553

Dated: 9/17/2021

DocuSigned by:

  
Ronald Stewart

20DD00D5600E41A...

Ronald Stewart

Plaintiff, *Pro Se*

Address: 29506 51st Avenue South

Auburn, WA 98001

Phone: (206) 790-8187

Dated: 9/16/2021

DocuSigned by:

  
Lydia Zibin

6010046104A3433...

Lydia Zibin

Plaintiff, *Pro Se*

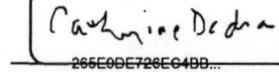
Address: 254 145th PL SE

Bellevue, WA 98007

Phone: (425) 894-1467

Dated: 9/16/2021

DocuSigned by:

  
265E9DE728EC40D...

Catherine Dodson

Plaintiff, *Pro Se*

Address: 42131-212th Ave SE

Enumclaw, WA 98022

Phone: (253) 709-3339

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 007  
Notice of Court Date**



**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

**LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE**

Name: Tamborine Borrelli  
Service Address: 13402 125th Avenue NW  
City, State, Zip: Gig Harbor, WA 98329-4215  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 253-375-1255  
Email Address: \_\_\_\_\_

Name: Doug Basler  
Service Address: 1851 Central Place S, Ste. 123  
City, State, Zip: Kent, WA 98032  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 206-601-3133  
Email Address: \_\_\_\_\_

Name: Howard Ferguson  
Service Address: 4357 13th Ave. S.  
City, State, Zip: Seattle, WA 98108  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 206-898-2696  
Email Address: \_\_\_\_\_

Name: Diana Bass  
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Telephone #: 425-649-9765  
Email Address: \_\_\_\_\_

Name: Timofey Samoylenko  
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WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 206-305-3692  
Email Address: \_\_\_\_\_

Name: Amy Behope  
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Telephone #: 206-683-3122  
Email Address: \_\_\_\_\_

Name: Mary Hallowell  
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WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
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Email Address: \_\_\_\_\_

Name: Samantha Bucari  
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WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 253-653-7553  
Email Address: \_\_\_\_\_

Name: Ronald Stewart  
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City, State, Zip: Auburn, WA 98001  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 206-790-8187  
Email Address: \_\_\_\_\_

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Telephone #: 425-894-1467  
Email Address: \_\_\_\_\_

Name: Catherine Dodson  
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WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: 253-709-3339  
Email Address: \_\_\_\_\_  
Name: Julie Wise, Director, King County Elections  
Service Address: 919 Southwest Grady Way  
City, State, Zip: Renton, WA 98057  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name: Ann Summers, Prosecuting Attorney  
Service Address: 516 Third Avenue, W400  
City, State, Zip: Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: ann.summers@kingcounty.gov  
Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 008  
Washington State  
Democratic Central  
Committee's Motion to  
Intervene**

1 THE HONORABLE LEROY MCCULLOUGH  
2 Noted for Consideration: October 22, 2021  
3 ORAL ARGUMENT REQUESTED  
4  
5  
6  
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12  
13

14 SUPERIOR COURT OF THE STATE OF WASHINGTON  
15 FOR KING COUNTY

16 WASHINGTON ELECTION INTEGRITY  
17 COALITION UNITED, a Washington State  
18 Nonprofit Corporation; DOUG BASLER;  
19 HOWARD FERGUSON; DIANA BASS;  
20 TIMOFEY SAMOYLENKO; AMY BEHOPE;  
21 MARY HALLOWELL; SAMANTHA  
22 BUCARI; RONALD STEWART; LYDIA  
23 ZIBIN; CATHERINE DODSON,  
24 Plaintiffs,

25  
26 v.  
27  
28

29 JULIE WISE, Director of King County  
30 Elections; KING COUNTY, and DOES 1-30,  
31 inclusive,  
32

33 Defendants,  
34  
35 and  
36  
37

38 WASHINGTON STATE DEMOCRATIC  
39 CENTRAL COMMITTEE,  
40 Proposed Intervenor  
41 Defendant.  
42

43 No. 21 2 12603-7 KNT  
44  
45

46 WASHINGTON STATE  
47 DEMOCRATIC CENTRAL  
COMMITTEE'S MOTION TO  
INTERVENE

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S MOTION TO  
INTERVENE

154040697.4

Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

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1  
2                   **I. INTRODUCTION**

3                 Nearly a year after the November 2020 election, the Washington Election Integrity  
 4 Coalition United and its *pro se* supporters (“Plaintiffs”) have filed a Complaint filled with  
 5 entirely fabricated claims of election fraud. Plaintiffs’ effort to delegitimize the integrity of  
 6 our State elections appears to be little more than a cut and paste of similar cases filed  
 7 throughout the country immediately after the 2020 Presidential Election. Federal and state  
 8 court judges roundly rejected every one of those election contests, and with them, their  
 9 unsubstantiated claims of voter and election fraud. Now, after all the votes have been counted  
 10 and the results certified by the county and the state, and officials have been sworn in, Plaintiffs  
 11 file this action seeking to unseal ballots from Washington’s 2020 General Election and “audit”  
 12 King County’s (“the County”) election department, claiming their votes have been “diluted”  
 13 and seeking injunctive relief regarding certain election procedures.<sup>1</sup> Compl. ¶ 5. The  
 14 Washington State Democratic Central Committee (“WSDCC”), on its own behalf and on  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27

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28                 <sup>1</sup> This lawsuit is one of several copycat lawsuits filed across Washington State, including  
 29 against Clark, Snohomish, Whatcom, Thurston, Lincoln, Thurston, and Pierce counties. *Washington*  
 30 *Election Integrity Coalition United et al. v. Anderson*, No. 21-2-07551-9 (Sept. 21, 2021), DKT 1;  
 31 *Washington Election Integrity Coalition United et al. v. Hall*, No. 21-2-01641-34 (Sept. 21, 2021),  
 32 DKT 1; *Washington Election Integrity Coalition United et al. v. Kimsey*, No. 21-2-01775-06 (Sept. 16,  
 33 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Fell*, No. 21-2-04302-31 (Sept.  
 34 16, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Bradrick*, No. 21-2-00949-  
 35 37 (Sept. 10, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Beaton*, No. 21-  
 36 2-50572-11 (Oct. 5, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Schumacher*, No. 21-2-00042-22 (Oct. 4, 2021), DKT 1. Each of the lawsuits contains virtually  
 37 identical claims on behalf of an organization called “Washington Election Integrity Coalition United,”  
 38 and different county-specific collections of *pro se* individuals, all apparently recruited at roving  
 39 statewide meetings called to generate support for the effort. See Associated Press, *Lawsuits claiming*  
 40 *2020 ballots were manipulated come to WA*, SEATTLE TIMES (Sept. 21, 2021, 10:36 AM),  
 41 [https://www.seattletimes.com/seattle-news/politics/lawsuits-claiming-2020-ballots-were-](https://www.seattletimes.com/seattle-news/politics/lawsuits-claiming-2020-ballots-were-manipulated-come-to-washington/)  
 42 manipulated-come-to-washington/; Shari Phiel, *Lawsuits Filed in Three Washington Counties Claim*  
 43 *Votes Were ‘Flipped’*, THE CHRONICLE, <https://www.chronline.com/stories/lawsuits-filed-in-three-washington-counties-claim-votes-were-flipped,273108>. The WSDCC is seeking intervention in each  
 44 and every lawsuit and, should intervention be granted, would be the only party before the Court other  
 45 than the “Washington Election Integrity Coalition United” to be a party to all of the lawsuits.  
 46  
 47

1 behalf of Democratic voters throughout the state, with this Motion seeks to intervene to defend  
 2 and protect the integrity of Washington's electoral system.  
 3

4       WSDCC meets the applicable requirements for intervention as of right and permissive  
 5 intervention under Washington Superior Court Civil Rule ("CR") 24. The Motion is timely,  
 6 submitted just two weeks after the complaint was filed. The WSDCC has a substantial interest  
 7 in protecting the legitimacy of its candidates' electoral victories from partisan attacks,  
 8 ensuring that the results of Washington's 2020 election stand, and defending its candidates'  
 9 future election prospects.  
 10

11       As required by CR 24(c), this Motion is accompanied by a Proposed Answer, which  
 12 is attached as Exhibit A.<sup>2</sup>  
 13

## 21                   **II.     IDENTITY OF INTERVENOR**

22       The WSDCC is the governing body of the Washington State Democratic Party, which  
 23 works to elect Democrats, uphold Democratic values, and support Democrats across the state.  
 24 Decl. of Tina Podlodowski ("Podlodowski Decl.") ¶ 3. It is composed of two people from  
 25 each Legislative District and County. *Id.* ¶ 2. It holds monthly meetings, nominates and  
 26 endorses local candidates, recruits and manages precinct committee officers, passes  
 27 resolutions, and campaigns for local candidates. *Id.* This action and the relief requested impact  
 28 the Washington State Democratic Party, its supporters, and its elected officials.  
 29  
 30

## 31                   **III.    ISSUE PRESENTED**

32       Whether Proposed Intervenor WSDCC should be permitted to intervene in this action  
 33 pursuant to the liberal standards for intervention in CR 24.  
 34  
 35

---

36  
 37       <sup>2</sup> WSDCC has attached the following hereto: a Proposed Answer as Exhibit A (to ensure  
 38 compliance with CR 24(c)); a declaration from WSDCC Chair Tina Podlodowski in support of this  
 39 Motion as Exhibit B; and a proposed Motion to Dismiss as Exhibit C, which WSDCC seeks to file if  
 40 it is granted intervention.  
 41  
 42

#### **IV. EVIDENCE RELIED UPON**

WSDCC relies on the Declaration of Tina Podlodowski (“Podlodowski Decl.”) filed as Exhibit B to WSDCC’s Motion to Intervene.

## V. ARGUMENT

WSDCC seeks to intervene in this case as a matter of right under CR 24(a) or, in the alternative, permissively under CR 24(b). WSDCC plainly meets the requirements to intervene as of right under CR 24(a), and thus, easily meets the requirements for permissive intervention under CR 24(b).

**A. WSDCC satisfies Rule 24(a)'s requirements for intervention as of right.**

CR 24(a) provides an absolute right of intervention if the intervenor shows: (1) timely application for intervention; (2) an interest which is the subject of the action; (3) that the disposition will impair or impede the applicant's ability to protect the interest; and (4) the applicant's interest is not adequately represented by the existing parties. *Wilson v. Mt. Solo Landfill, Inc.*, 184 Wn. App. 1030, 2014 WL 6068043, at \*2 (2014) (citing *Westerman v. Cary*, 125 Wn.2d 277, 303, 892 P.2d 1067 (1994)). WSDCC satisfies all four requirements and is entitled to intervene as of right under CR 24(a).

### **1. The Motion is Timely.**

A motion for intervention is timely when made prior to trial. *Am. Disc. Corp. v. Saratoga W. Inc.*, 81 Wn.2d 34, 43, 499 P.2d 869 (1972). Leave to intervene should be interpreted as timely to allow an intervention of right unless it would work a hardship on one of the original parties. *Loveless v. Yantis*, 82 Wn.2d 754, 759, 513 P.2d 1023 (1973) (citations omitted). Intervention has been allowed in Washington as late as the trial court's oral decision for the purposes of appeal. *Ford v. Logan*, 79 Wn.2d 147, 149, 483 P.2d 1247 (1971). This Motion follows just two weeks after the Complaint was filed and no substantive activity has

1 taken place in the case. There has therefore been no delay, and no possible risk of prejudice  
 2 to the other parties.  
 3

4       **2. WSDCC has an interest in the outcome of this litigation.**

5       WSDCC has an interest in the outcome of this action. “[A] party has a right to  
 6 intervene in an action either where he has an interest in the matter in litigation, or has an  
 7 interest in the success of either party thereto.” *Moses Lake Homes, Inc. v. Grant County*, 49  
 8 Wn.2d 182, 185, 299 P.2d 840 (1956). An intervenor’s interest is to be construed broadly.  
 9 *Vashon Island Comm. for Self-Gov’t v. Wash. State Boundary Review Bd. for King Cnty.*, 127  
 10 Wn.2d 759, 765, 903 P.2d 953 (1995); *Fritz v. Gorton*, 8 Wn. App. 658, 509 P.2d 83 (1973);  
 11 *Columbia Gorge Audubon Soc’y v. Klickitat County*, 98 Wn. App. 618, 629, 989 P.2d 1260  
 12 (1999) (“Not much of a showing is required, however, to establish an interest. And insufficient  
 13 interest should not be used as a factor for denying intervention.”). The “interest” requirement  
 14 is met if the intervenor could either gain or lose by the direct operation or immediate effect of  
 15 a possible final judgment. *Am. Discount*, 81 Wn.2d at 36. When in doubt, intervention should  
 16 be granted. *Id.* at 40.

17       WSDCC is dedicated to representing the interests of Washington’s Democratic voters  
 18 by supporting the election of Democratic candidates across Washington. Podlodowski Decl.  
 19 ¶ 2. It seeks to intervene as a defendant in this matter to protect the rights of its affiliated  
 20 candidates and voters across Washington. *See id.* ¶ 4–6.

21       The WSDCC has an interest in ensuring the official certified results of Washington’s  
 22 2020 election remain undisturbed and their credibility unimpeached. *See id.* ¶ 6. Plaintiffs  
 23 appear to seek some sort of Arizona-style “audit” of the 2020 election, contrary to state law.  
 24 Compl. ¶ 5, 56. Although Plaintiffs claim they are not seeking de-certification of the election,  
 25 they nonetheless ask the Court to “determine rights” with regard to “vote flipping.” *Id.* ¶ 29.  
 26

1 The request thus appears to seek an unofficial and extraordinary “audit” of 2020 ballots,  
 2 contrary to law, and an alteration of certified election results or at least to call them into  
 3 question. Plaintiff’s Equal Protection and “vote dilution claims” similarly appear to target the  
 4 election’s outcome. *Id.* ¶ 61(b).

5 WSDCC’s intervention is needed to ensure that the final, certified results of  
 6 Washington’s 2020 election are not disturbed, on behalf of their affiliate candidates and  
 7 Washington’s Democratic voters who elected those candidates. *See* Podlodowski Decl. ¶ 6;  
 8 *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 189 n.7 (2008) (agreeing with the  
 9 unanimous view of the Seventh Circuit that the Indiana Democratic Party had standing to  
 10 challenge a voter identification law that risked disenfranchising its members); *Owen v.*  
 11 *Mulligan*, 640 F.2d 1130, 1132 (9th Cir. 1981) (holding that “the potential loss of an election”  
 12 inflicts injury on a political party).<sup>1</sup> WSDCC plainly has an interest in this action.

13 In addition, groups and individuals like the Plaintiffs here suggest that fraud is  
 14 perpetrated by or to benefit Democratic election officials and depict themselves as watchdogs,  
 15 vowing to “restor[e] . . . transparent, secure and publicly verified elections.” Washington  
 16 Election Integrity Coalition United, *Support Our Work*, GIVE SEND GO,  
 17 <https://givesendgo.com/GX2Y> (last visited Oct. 4, 2021); *see also* Podlodowski Decl. ¶ 5. By  
 18 creating a false narrative unsupported by any factual evidence that Washington elections are  
 19 replete with election fraud and vowing to put an end to it, they seek to create and foster a  
 20 fictional problem. This unsupported lawsuit serves to propagate and spread that  
 21 misinformation, undermining public confidence in our elections and, indeed, our democratic  
 22 system of elections. Indeed, that appears to be the whole purpose of its filing. The effort  
 23 threatens to damage Democratic candidates’ and officeholders’ reputations, and ultimately  
 24 threatens Democratic candidates’ future successes at the ballot box. Podlodowski Decl. ¶ 6.

1 WSDCC's interests are clearly at issue here under the broad construction of that  
 2 requirement in Washington law. *Vashon Island*, 127 Wn.2d at 765.  
 3  
 4

5 **3. Disposition will impair and impede the WSDCC's ability to protect its  
 6 interests.**

7 In addition, disposition "of the action may as a practical matter impair or impede"  
 8 WSDCC's ability to protect its interests. CR 24(a)(2). While Washington courts have not  
 9 elaborated on this third requirement of CR 24(a), other courts have concluded that if a  
 10 proposed intervenor has a protectable interest in the outcome of the litigation, courts have  
 11 "little difficulty concluding" that its interests will be impaired. *California ex rel. Lockyer v.*  
 12 *United States*, 450 F.3d 436, 442 (9th Cir. 2006); *see also Brody By & Through Sugzdinis v.*  
 13 *Spang*, 957 F.2d 1108, 1123 (3d Cir. 1992) (noting that if the intervenor "can show that they  
 14 possess a legal interest in this action, then it naturally follows that such an interest would be  
 15 affected by this litigation").  
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18 There can be no doubt that disposition of this matter has the potential to impair the  
 19 WSDCC's ability to protect its interests. Federal courts have routinely concluded that  
 20 interference with a political party's electoral prospects constitutes a direct injury that satisfies  
 21 Article III standing, which goes beyond the requirement needed for intervention under CR  
 22 24(a)(2) in this case. *E.g., Owen*, 640 F.2d at 1132 (holding that "the potential loss of an  
 23 election" is sufficient injury to confer Article III standing); *Tex. Democratic Party v. Benkiser*,  
 24 459 F.3d 582, 586–87 (5th Cir. 2006) (political party had suffered injury-in-fact when "its  
 25 congressional candidate's chances of victory would be reduced"); *Pavek v. Simon*, 467 F.  
 26 Supp. 3d 718, 742 (D. Minn. 2020) ("[S]everal circuits have recognized" that a "political party  
 27 can show direct injury if the defendant's actions hurt the candidate's or party's chances of  
 28 prevailing in an election."); *Schulz v. Williams*, 44 F.3d 48, 53 (2d Cir. 1994) (Conservative  
 29 Party had representative standing because the party "stood to suffer . . . competition on the  
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1 ballot . . . and a resulting loss of votes"); *Hollander v. McCain*, 566 F. Supp. 2d 63, 68 (D.N.H.  
 2 2008) ("[C]ourts have held that a candidate or his political party has standing to challenge the  
 3 inclusion of an allegedly ineligible rival on the ballot, on the theory that doing so hurts the  
 4 candidate's or party's own chances of prevailing in the election.").

5 This action threatens (and is designed to threaten) the WSDCC's political prospects  
 6 by alleging—without evidentiary support—some unidentified "fraud" or "misconduct" in the  
 7 administration of the election. Podlodowski Decl. ¶ 5. The Democratic National Committee  
 8 and similar political organizations were routinely granted intervention as of right in election  
 9 disputes over the exact same election. *E.g., Paher v. Cegavske*, No. 20-cv-00243-WGC, 2020  
 10 WL 2042365, at \*2 (D. Nev. Apr. 28, 2020) (granting intervention as of right to Democratic  
 11 National Committee, Democratic Congressional Committee, and Nevada State Democratic  
 12 Party where "Plaintiffs' success on their claims would disrupt the organizational intervenors'  
 13 efforts to promote the franchise and ensure the election of Democratic Party candidates"); *Issa*  
 14 *v. Newsom*, No. 20-cv-01044-CKD, 2020 WL 3074351, at \*4 (E.D. Cal. June 10, 2020)  
 15 (granting intervention as of right to the DNC in suit brought by a Republican Representative,  
 16 the National Republican Congressional Committee, and California Republican Party); *Donald*  
 17 *J. Trump for President, Inc. v. Cegavske*, No. 20-CV-1445 VCF, 2020 WL 5229116, at \*1 (D.  
 18 Nev. Aug. 21, 2020) (granting intervention to DNC, DCCC, and NSDP in suit brought by  
 19 President Trump's campaign).

20 The WSDCC's interests would be no less impaired. WSDCC easily satisfies this  
 21 requirement of CR 24(a)(2).

22 **4. WSDCC's interests are not adequately represented by Defendants.**

23 WSDCC cannot rely on the parties in this case to adequately represent its interests.  
 24 "The intervenor need make only a minimal showing that its interests may not be adequately  
 25

1 represented.” *Columbia Gorge Audubon Soc'y*, 98 Wn. App. at 629. It is not necessary that  
 2 the intervenor’s interest be in direct conflict with those of the existing parties. *Id.* at 630. It is  
 3 only necessary that the interest may not be adequately articulated and addressed. *Id.* (citing  
 4 *Am. Discount*, 81 Wn.2d at 41). Washington Courts have articulated three relevant questions:  
 5 Will the Defendants “undoubtedly” make all the WSDCC’s arguments? Are Defendants able  
 6 and willing to make those arguments? And will WSDCC more effectively articulate any  
 7 aspect of its interest? *Id.* Once an applicant for intervention shows interests different than  
 8 those of the existing parties, the requirement of showing that such interest would not be given  
 9 adequate representation is minimal. *Fritz*, 8 Wn. App. at 661–62.  
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18 Defendants’ interest is defined solely by their statutory duties to conduct elections. But  
 19 the WSDCC’s interests are broader. While Defendants may have an interest in ensuring that  
 20 the election results are upheld, those Defendants do not share the WSDCC’s interest in  
 21 defending *its candidates* victories and reputations against Petitioners’ partisan allegations, and  
 22 hence, Defendants will not and cannot represent the WSDCC in that respect. Because their  
 23 interests diverge, the Defendants—who are all election officials—cannot adequately represent  
 24 WSDCC’s interests. See Podlodowski Decl. ¶ 4–6; *Issa*, 2020 WL 3074351, at \*3 (“While  
 25 Defendants’ arguments turn on their inherent authority as state executives and their  
 26 responsibility to properly administer election laws, the [intervenor is] concerned with ensuring  
 27 their party members and the voters they represent have the opportunity to vote in the upcoming  
 28 federal election, advancing their overall electoral prospects, and allocating their limited  
 29 resources to inform voters about the election procedures.”). Courts have “often concluded that  
 30 governmental entities do not adequately represent the interests of aspiring intervenors,” *Fund*  
 31 *for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003); *accord Citizens for Balanced*  
 32 *Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 899 (9th Cir. 2011); *Associated Gen.*  
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1           *Contractors of Am. v. Cal. Dep’t of Transp.*, No. 09-01622, 2009 WL 5206722, at \*2–3 (E.D.  
 2           Cal. Dec. 23, 2009) (granting intervention where defendant state agency’s “main interest is  
 3           ensuring safe public roads and highways” and agency “is not charged by law with advocating  
 4           on behalf of minority business owners” as intervenors would), including specifically in cases  
 5           regarding the right to vote. *See Paher*, 2020 WL 2042365, at \*3 (granting intervention as of  
 6           right where Proposed Intervenors “may present arguments about the need to safeguard  
 7           Nevada[ns’] right to vote that are distinct from [state defendants’] arguments”). Defendants  
 8           will undoubtably *not* make all WSDCC’s arguments in this action.  
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**B. Alternatively, WSDCC should be allowed permissive intervention**

In the event this Court concludes that WSDCC may not intervene as a matter of right, permissive intervention is clearly appropriate. CR 24(b) provides in relevant part:

(b) Permissive Intervention. Upon timely application, anyone may be permitted to intervene in an action:

.....

(2) When an applicant’s claim or defense and the main action have a question of law or fact in common . . . . In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

As with CR 24(a), CR 24(b) should be liberally construed so as to permit permissive intervention.

For the reasons discussed in Part A supra, WSDCC’s motion is timely. WSDCC also has defenses to Plaintiffs’ claims that share common questions of law and fact—for example, whether Plaintiffs have stated valid claims for relief. Significantly, intervention will result in neither prejudice nor undue delay. WSDCC has an undeniable interest in a swift resolution of this action and is confident that its intervention in this case will result in expeditious resolution of this litigation. It is in the interest of justice to allow all those with affected interests,

1 including both sides of the political spectrum, to participate in this case. *See, e.g., Donald J.*  
2 *Trump for President, Inc. v. Benson*, No. 1:20-cv-1083, 2020 WL 8573863, at \*3 (W.D. Mich.  
3 Nov. 17, 2020) (granting permissive intervention in a lawsuit challenging the 2020 election  
4 results to the City of Detroit, Michigan NAACP, the Democratic National Committee, and the  
5 Michigan Democratic Party); *Libertarian Party of Pennsylvania v. Wolf*, No. 20-cv-2299,  
6 2020 WL 6580739, at \*1 (E.D. Pa. July 8, 2020) (granting permissive intervention to the  
7 Pennsylvania Democratic Party in a 2020 election case). The WSDCC cannot rely on  
8 Defendants to protect the rights of its affiliate candidates and voters from partisan attacks.  
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## VI. CONCLUSION

18 For the reasons set forth above, Intervenor Washington State Democratic Central  
19 Committee respectfully requests that the Court grant its Motion for Intervention.  
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2 Dated: October 6, 2021  
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9

*s/ Kevin J. Hamilton*

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*s/ Amanda J. Beane*

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23 Attorneys for WASHINGTON STATE  
24 DEMOCRATIC PARTY  
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WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S MOTION TO  
INTERVENE – 11

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**CERTIFICATE OF SERVICE**

On October 6, 2021, I caused to be served upon the below named counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document.

## *Pro Se Plaintiffs*

- Via hand delivery
  - Via U.S. Mail, 1st Class,  
Postage Prepaid
  - Via Overnight Delivery
  - Via Facsimile
  - Via Eservice

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## WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE'S MOTION TO INTERVENE – 12

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37 King County Courthouse  
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40 [ann.summers@kingcounty.gov](mailto:ann.summers@kingcounty.gov)  
41

42  
43 Julie Wise, Director  
44 King County Elections  
45 919 Southwest Grady Way  
46 Renton, WA 98057  
47

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S MOTION TO  
INTERVENE – 13  
154040697.4

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1           **I certify under penalty of perjury under the laws of the**  
2           **State of Washington that the foregoing is true and correct.**

3           EXECUTED at Seattle, Washington, on October 6, 2021.  
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*June Starr*  
June Starr

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S MOTION TO  
INTERVENE – 14

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# **EXHIBIT A**

1 THE HONORABLE LEROY MCCULLOUGH  
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17 SUPERIOR COURT OF THE STATE OF WASHINGTON  
18 FOR KING COUNTY

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20 WASHINGTON ELECTION  
21 INTEGRITY COALITION UNITED, a  
22 Washington State Nonprofit Corporation;  
23 DOUG BASLER; HOWARD FERGUSON;  
24 DIANA BASS; TIMOFEY SAMOYLENKO;  
25 AMY BEHOPE; MARY HALLOWELL;  
26 SAMANTHA BUCARI; RONALD  
27 STEWART; LYDIA ZIBIN; CATHERINE  
28 DODSON,

29 Plaintiffs,  
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31 v.  
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33 JULIE WISE, King County Director of  
34 Elections; KING COUNTY, and DOES 1-30,  
35 inclusive,  
36  
37 Defendants,  
38  
39 and  
40  
41 WASHINGTON STATE DEMOCRATIC  
42 CENTRAL COMMITTEE,  
43  
44 Proposed Intervenor  
45 Defendant.

46 No. 21-2-12603-7 KNT  
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WASHINGTON STATE  
DEMOCRATIC CENTRAL  
COMMITTEE'S [PROPOSED]  
ANSWER

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S [PROPOSED]  
ANSWER – 1  
15934.0024\154076061.2

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## ANSWER

Applicant Intervenor-Defendants Washington State Democratic Central Committee (“WSDCC”) by and through its attorneys, submit the following Answer to Plaintiff’s Complaint (the “Complaint”). WSDCC responds to the allegations in the Complaint as follows:

## I. PARTIES

1. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 1, and therefore denies the same.

2. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 2, and therefore denies the same.

3. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3, and therefore denies the same.

4. Paragraph 4 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

## II. OVERVIEW

5. Proposed Intervenor denies the first sentence of paragraph 5. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations that WEiCU issued a records request for ballots, and therefore denies the same. The remaining allegations in Paragraph 5 are mere

1 characterizations, legal contentions, and conclusions to which no response is required. To the  
 2 extent a response is required, Proposed Intervenor denies the allegations.  
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### **III. JURISDICTION, VENUE, LIMITATIONS**

5       6. Paragraph 6 contains mere characterizations, legal contentions, and  
 7 conclusions to which no response is required. To the extent a response is required, Proposed  
 8 Intervenor denies the allegations.  
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11       7. Paragraph 7 contains mere characterizations, legal contentions, and  
 12 conclusions to which no response is required. To the extent a response is required, Proposed  
 13 Intervenor denies the allegations.  
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16       8. Paragraph 8 contains mere characterizations, legal contentions, and  
 17 conclusions to which no response is required. To the extent a response is required, Proposed  
 18 Intervenor denies the allegations.  
 19  
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21       9. Proposed Intervenor is without sufficient information or knowledge with  
 22 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 9, and  
 23 therefore denies the same.  
 24  
 25

### **IV. WRONGFUL ACTS: USE OF CERTIFIED VOTING SYSTEM**

#### **RCW 29A.68.013(1) and/or (2)**

#### **(Citizen Plaintiffs v. Director)**

36       10. Proposed Intervenor incorporates by reference all of its responses in the  
 37 preceding and ensuing paragraphs as if fully set forth herein.  
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40       11. Proposed Intervenor denies the allegations in Paragraph 11.  
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43       12. Proposed Intervenor is without sufficient information or knowledge with  
 44 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 12,  
 45 and therefore denies the same.  
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13. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 13, and therefore denies the same.

14. Proposed Intervenor denies the allegations in Paragraph 14.

15. Proposed Intervenor denies the allegations in Paragraph 15.

**V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM  
(Citizen Plaintiffs v. Director)**

16. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

17. Paragraph 17 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

18. Paragraph 18 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

19. Paragraph 19 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

## **VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM (Citizen Plaintiffs v. Director)**

20. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

21. Proposed Intervenor denies the allegations in Paragraph 21.

22. Proposed Intervenor denies the allegations in Paragraph 22.

## VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS

## **RCW 29A.68.013(1) and/or (2)**

## **(Citizen Plaintiffs v. Director)**

23. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

24. Proposed Intervenor denies the allegations in Paragraph 24.

25. Proposed Intervenor denies the allegations in Paragraph 25.

26. Proposed Intervenor denies the allegations in Paragraph 26.

## **VIII. DECLARATORY RELIEF: VOTE FILLING, ADDITIONS, AND/OR DELETION**

## **(Citizen Plaintiffs v. Director)**

27. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

28. Proposed Intervenor denies the allegations in Paragraph 28.

29. Proposed Intervenor denies the allegations in Paragraph 29.

## **IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS**

## **(Citizen Plaintiffs v. Director)**

30. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

31. Proposed Intervenor denies the allegations in Paragraph 31.

32. Proposed Intervenor denies the allegations in Paragraph 32.

## X. WRONGFUL ACTS: PARTY PREFERENCE

## **RCW 29A.68.013(1) and/or (2)**

## **(Citizen Plaintiffs v. Director)**

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S [PROPOSED]  
ANSWER – 5

15934.0024\154076061.2

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Seattle, Washington 98101-3099  
Phone: 206.359.8000  
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33. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

34. Proposed Intervenor denies the allegations in Paragraph 34.

## XI. DECLARATORY RELIEF: PARTY PREFERENCE

## **(Citizen Plaintiffs v. Director)**

35. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

36. Proposed Intervenor denies the allegations in Paragraph 36.

37. Proposed Intervenor denies the allegations in Paragraph 37.

## XII. EQUITABLE RELIEF: PARTY PREFERENCE

## **(Citizen Plaintiffs v. Director)**

38. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

39. Proposed Intervenor denies the allegations in Paragraph 39.

40. Proposed Intervenor denies the allegations in Paragraph 40.

### XIII. WRONGFUL ACTS: BALLOT SECURITY

## **RCW 29A.68.013(1) and/or (2)**

## **(Citizen Plaintiffs v. Director)**

41. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

42. Proposed Intervenor denies the allegations in Paragraph 42.

#### XIV. DECLARATORY RELIEF: BALLOT SECURITY

## **(Citizen Plaintiffs v. Director)**

1           43. Proposed Intervenor incorporates by reference all of its responses in the  
2 preceding and ensuing paragraphs as if fully set forth herein.  
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5           44. Proposed Intervenor denies the allegations in Paragraph 44.  
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7           45. Proposed Intervenor denies the allegations in Paragraph 45.  
8  
9           **XV. EQUITABLE RELIEF: BALLOT SECURITY**  
10           **(Citizen Plaintiffs v. Director)**  
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13           46. Proposed Intervenor incorporates by reference all of its responses in the  
14 preceding and ensuing paragraphs as if fully set forth herein.  
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17           47. Proposed Intervenor denies the allegations in Paragraph 47.  
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19           48. Proposed Intervenor denies the allegations in Paragraph 48.  
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21           **XVI. PUBLIC RECORDS ACT**  
22  
23           **RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110**  
24           **(Plaintiff WEiCU v. Director and County)**  
25  
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27           49. Proposed Intervenor incorporates by reference all of its responses in the  
28 preceding and ensuing paragraphs as if fully set forth herein.  
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31           50. Paragraph 50 contains mere characterizations, legal contentions, and  
32 conclusions to which no response is required. To the extent a response is required, Proposed  
33 Intervenor denies the allegations.  
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36           51. Proposed Intervenor is without sufficient information or knowledge with  
37 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 51,  
38 and therefore denies the same.  
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41           52. Paragraph 52 contains mere characterizations, legal contentions, and  
42 conclusions to which no response is required. To the extent a response is required, Proposed  
43 Intervenor denies the allegations.  
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53. Paragraph 53 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

54. Paragraph 54 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

55. Paragraph 55 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

56. Proposed Intervenor denies the allegations in Paragraph 56.

**XVII. DECLARATORY RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS  
WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, § 19, § 29; ART. VI, § 6, US  
CONSTITUTION AMENDMENTS I, XIV**

57. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

58. Paragraph 58 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

59. Paragraph 59 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

60. Article I Section 3 of the Washington State Constitution speaks for itself.

61. Proposed Intervenor denies the allegations in Paragraph 61.

62. Proposed Intervenor denies the allegations in Paragraph 62.

63. Proposed Intervenor denies the allegations in Paragraph 63.

## XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS

## **(Citizen Plaintiffs v. Director)**

64. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

65. Proposed Intervenor denies the allegations in Paragraph 65.

66. Proposed Intervenor denies the allegations in Paragraph 66.

## **XIX. DAMAGES FOR CIVIL RIGHTS VIOLATIONS**

42 USC § 1983, § 1988

## **(Citizen Plaintiffs v. Director)**

67. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

<sup>68.</sup> 42 U.S.C. § 1983 speaks for itself.

69. Paragraph 69 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

70. Proposed Intervenor denies the allegations in Paragraph 70.

71. Proposed Intervenor denies the allegations in Paragraph 71.

## **XX. DEMAND FOR JURY TRIAL**

72. Proposed Intervenor denies the allegations in Paragraph 72.

## **XXL. RELIEF SOUGHT**

WHEREFORE, Proposed Intervenor respectfully requests that this Court:

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S [PROPOSED]  
ANSWER - 9

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

- 1           A.     Deny that Plaintiffs is entitled to any relief;  
2  
3           B.     Dismiss the Complaint in its entirety, with prejudice;  
4  
5           C.     Award Proposed Intervenor its attorneys' fees, costs, and expenses incurred in  
6 this action; and  
7  
8           D.     Grant such other and further relief as the Court may deem just and proper.

9  
10                 **DEFENSES AND AFFIRMATIVE DEFENSES**  
11

12                 Proposed Intervenor sets forth its affirmative defenses without assuming the burden of  
13 proving any fact, issue, or element of a cause of action where such burden properly belongs  
14 to Proposed Intervenor. Moreover, nothing stated here is intended or shall be construed as an  
15 admission that any particular issue or subject matter is relevant to the allegations in the  
16 Complaint. Proposed Intervenor reserves the right to amend or supplement its affirmative  
17 defenses as additional facts concerning defenses become known.  
18  
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20                 Proposed Intervenor alleges as follows:  
21  
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- 23                 1. Plaintiffs lack standing to bring their claims.  
24  
25                 2. Plaintiffs' claims are barred by RCW 29A.68.011 and 29A.68.013, laches, estoppel,  
26                         and/or waiver.  
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28                 3. Plaintiffs' claims are moot.  
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30                 4. Plaintiffs fail to state a claim upon which relief can be granted.  
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*s/ Kevin J. Hamilton*

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*Attorneys for Proposed Intervenor Washington State Democratic Central Committee*

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S [PROPOSED]  
ANSWER – 11  
15934.0024\154076061.2

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Fax: 206.359.9000

# **EXHIBIT B**

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY**

WASHINGTON ELECTION  
INTEGRITY COALITION UNITED, a  
Washington State Nonprofit Corporation;  
DOUG BASLER; HOWARD FERGUSON;  
DIANA BASS; TIMOFEY SAMOYLENKO;  
AMY BEHOPE; MARY HALLOWELL;  
SAMANTHA BUCARI; RONALD  
STEWART; LYDIA ZIBIN; CATHERINE  
DODSON,

Plaintiffs,

v.

JULIE WISE, King County Director of  
Elections KING COUNTY, and DOES  
1-30, inclusive,

#### Defendants.

and

# WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE.

## Proposed Intervenor-Defendant.

No. 21-2-12603-7 KNT

DECLARATION OF TINA  
PODLODOWSKI IN  
SUPPORT OF  
WASHINGTON STATE  
DEMOCRATIC CENTRAL  
COMMITTEE'S MOTION  
TO INTERVENE

# **DECLARATION OF TINA PODLODOWSKI**

I, Tina Podlodowski, do hereby declare:

1. I am the current State Party Chair of the Washington State Democratic Party. I have held that title since I was elected to my first term as Chair in 2017.

2. The Washington State Democratic Central Committee (“WSDCC”) is the governing body of the Washington State Democratic Party, made up of two people of different gender identities from each Legislative District and County. Specifically, the WSDCC has 176 State Committee Members from 88 different Local Party Organizations, including 49 Legislative District and 39 County organizations. It holds three annual meetings, nominates and endorses local candidates, recruits and manages precinct committee officers, passes resolutions, and campaigns for local candidates.

3. The WSDCC works to elect Democrats, uphold Democratic values, and support Democrat voters and candidates across the state.

4. As part of its work to uphold Democratic values, the WSDCC fights for equal access to the franchise because we believe that the right to vote is the foundation of democracy. The WSDCC believes that our government is stronger if every voice is heard and that injustice in our election system means many communities, especially communities of color and the disability community, are not being fairly represented by government.

5. The WSDCC believes that conservative groups have resorted to making unsupported claims of voter and election fraud to mislead voters. The WSDCC is committed to fighting back against this rhetoric, and against any attempts to restrict the right to vote based on these groundless assertions.

6. Groups like the Washington Election Integrity Coalition United (“WeICU”) suggest that fraud is perpetrated by or to benefit Democratic election officials. To fulfill its

1 mission of supporting Democratic voters and candidates, the WSDCC must be able to defend  
2 its candidates' victories and reputations against the WeICU's allegations.  
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DECLARATION OF TINA PODLODOWSKI- 3

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1                   **I declare under penalty of perjury that the foregoing is true and correct.**  
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Dated: October 4, 2021

  
\_\_\_\_\_  
Tina Podlodowski  
Washington State Democratic Central Committee

# **EXHIBIT C**

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5 THE HONORABLE LEROY MCCULLOUGH  
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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

16 WASHINGTON ELECTION INTEGRITY  
17 COALITION UNITED, a Washington State  
18 Nonprofit Corporation; DOUG BASLER;  
19 HOWARD FERGUSON; DIANA BASS;  
20 TIMOFEY SAMOYLENKO; AMY BEHOPE;  
21 MARY HALLOWELL; SAMANTHA  
22 BUCARI; RONALD  
23 STEWART; LYDIA ZIBIN; CATHERINE  
24 DODSON,  
25 Plaintiffs,

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27 v.  
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30 JULIE WISE, Director of King County  
31 Elections; KING COUNTY, and DOES 1-30,  
32 inclusive,  
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34 Defendants,  
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36 and  
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38 WASHINGTON STATE DEMOCRATIC  
39 CENTRAL COMMITTEE,  
40 Proposed Intervenor-  
41 Defendant.  
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No. 21 2 12603-7 KNT

WASHINGTON STATE  
DEMOCRATIC CENTRAL  
COMMITTEE'S [PROPOSED]  
MOTION TO DISMISS

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S [PROPOSED]  
MOTION TO DISMISS

154138804.1

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## I. INTRODUCTION

“Unless an election is clearly invalid, when the people have spoken, their verdict should not be disturbed by the courts.” *Dumas v. Gagner*, 137 Wn. 2d 268, 283, 971 P.2d 17 (1999) (citations omitted). The people of Washington have spoken. Four million Washingtonians voted in the November 2020 General Election. That election has been audited pursuant to state law, certified by county election officials, and certified by Washington’s Secretary of State. Certificates of Election have been issued to all of the prevailing candidates, all of whom have been sworn in and have held office since January 8, 2021.

Now, nearly a full year after the election, the Washington Election Integrity Coalition United (“WEiCU”) and several individual *pro se* voters filed this election contest raising entirely unsupported and fantastical allegations, seeking to call into question the legitimacy of Washington’s November 2020 Election and question the integrity of the King County (“the County”) Director of Elections, Julie Wise, and the County’s election officials. Plaintiffs ask the Court to declare that the County broke Washington law and violated the Washington and U.S. Constitution, and to bar the County from doing so moving forward. Plaintiffs also ask for an extra-legal license to “audit” the County’s election department and assert that they should be permitted to inspect sealed ballots from the 2020 election. But their claims fail as a matter of law, their extraordinary and sweeping relief is not justified, and their Complaint should be dismissed with prejudice.

At the outset, while Plaintiffs state they do not wish to de-certify any election and even fail to challenge the election of a particular candidate, Plaintiffs' challenge is, at bottom, an election contest (although a vague and patently insufficient one). Their Complaint can and should be dismissed on this basis alone, because Plaintiffs are far beyond the narrow ten-day

1 statute of limitations applicable to such claims. *See* RCW 29A.68.011; 29A.68.013. This flaw  
 2 independently precludes this Court from exercising jurisdiction over any of Plaintiffs' claims.  
 3

4 Even if this action were deemed not to be an "election contest" under RCW  
 5 29A.68.011 or 29A.68.013, whatever it is, Plaintiffs' delay in filing this claim also warrants  
 6 application of the equitable doctrine of laches, which moots their claims.  
 7

8 Plaintiffs in any event lack standing to bring this action, as they have not suffered any  
 9 personal injury, nor have they requested any relief that would redress the supposed fraud that  
 10 they allege occurred last November. Instead, Plaintiffs stitch together a series of perceived  
 11 election irregularities that would have taken a statewide conspiracy to accomplish. Their  
 12 baseless assertions do not state any cognizable legal claim. Plaintiffs fail to assert the most  
 13 basic essential requirement for a cognizable election contest: that the outcome of  
 14 Washington's November 2020 Election was changed as a result of the County's alleged  
 15 misconduct. Plaintiffs' sparse and implausible facts also fall far short of that required by CR  
 16 8(a), much less the *heightened* pleading requirements for claims sounding in fraud under CR  
 17 9(b).  
 18

19 This election contest is one in a long line of lawsuits promoting conspiracy theories of  
 20 election and voter fraud that have been thoroughly debunked. Not one of those election  
 21 contests was successful, ultimately resulting in at least 60 courtroom losses for the Trump  
 22 Campaign and other groups seeking his reelection or to otherwise challenge the outcome of  
 23 the 2020 General Election.<sup>1</sup> Despite those 60 lawsuits, Georgia counting their ballots three  
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<sup>1</sup> William Cummings et al., *By the numbers: President Donald Trump's failed efforts to overturn the election*, USA NEWS TODAY (Jan. 6, 2021, 7:50 PM), <https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/>.

times,<sup>2</sup> and a Republican-led audit in Arizona,<sup>3</sup> the results of the November 2020 General Election never changed. President Joseph Biden was inaugurated on January 20, 2020, having received more than 81 million votes (more than any President in American history).<sup>4</sup>

This lawsuit is entirely unfounded and appears to be little more than a coordinated political attack on the integrity of Washington elections.<sup>5</sup> It is plainly barred as a matter of law and should be promptly dismissed with prejudice.

<sup>2</sup> Chadelis Duster, *Georgia reaffirms Biden's victory for 3rd time after recount, dealing major blow to Trump's attempt to overturn the results*, CNN (Dec. 7, 2020, 5:23 PM), <https://www.cnn.com/2020/12/07/politics/georgia-recount-recertification-biden/index.html>.

<sup>3</sup> Jack Healy et al., *Republican Review of Arizona Vote Fails to Show Stolen Election*, N.Y. TIMES (Sept. 30, 2020), <https://www.nytimes.com/2021/09/24/us/arizona-election-review-trump-biden.html>.

<sup>4</sup> Jemima McEvoy, *Biden Wins More Votes Than Any Other Presidential Candidate In U.S. History*, FORBES (Nov. 4, 2020, 1:18 PM), <https://www.forbes.com/sites/jemimamcevoy/2020/11/04/biden-wins-more-votes-than-any-other-presidential-candidate-in-us-history/?sh=131798867c3a>.

<sup>5</sup> This lawsuit is one of several virtually identical copycat lawsuits filed across Washington State, including against Clark, Snohomish, Whatcom, Lincoln, Franklin, Thurston, and Pierce counties. *Washington Election Integrity Coalition United et al. v. Wise*, No. 21-2-12603-7-KNT (Sept. 22, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Anderson*, No. 21-2-07551-9 (Sept. 21, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Hall*, No. 21-2-01641-34 (Sept. 21, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Kimsey*, No. 21-2-01775-06 (Sept. 16, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Fell*, No. 21-2-04302-31 (Sept. 16, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Bradrick*, No. 21-2-00949-37 (Sept. 10, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Beaton*, No. 21-2-50572-11 (Oct. 5, 2021), DKT 1; *Washington Election Integrity Coalition United et al. v. Schumacher*, No. 21-2-00042-22 (Oct. 4, 2021), DKT 1. Each of the lawsuits was filed by the “Washington Election Integrity Coalition United” and a county-specific collection of *pro se* voters, apparently recruited for this purpose. See Associated Press, *Lawsuits claiming 2020 ballots were manipulated come to WA*, SEATTLE TIMES (Sept. 21, 2021, 10:36 AM), <https://www.seattletimes.com/seattle-news/politics/lawsuits-claiming-2020-ballots-were-manipulated-come-to-washington/>; Shari Phiel, *Lawsuits Filed in Three Washington Counties Claim Votes Were ‘Flipped’*, THE CHRONICLE, <https://www.chronline.com/stories/lawsuits-filed-in-three-washington-counties-claim-votes-were-flipped,273108>.

## **II. ISSUE PRESENTED**

Whether Plaintiffs' Complaint should be dismissed in its entirety because it is untimely, Plaintiffs lack standing, and the claims are moot and barred by the doctrine of laches, and because Plaintiffs have failed to state a cognizable claim.

### **III. EVIDENCE RELIED UPON**

Defendants rely on the allegations in this Motion, the documents it incorporates by reference, and facts that are subject to judicial notice.

## IV. BACKGROUND

Over four million Washingtonians cast their ballots in Washington’s November 2020 General Election.<sup>6</sup> That election was audited pursuant to state law and certified by county election officials.<sup>7</sup> The Secretary of State certified the election results on December 3, 2020, declaring victory for numerous Washington State Democratic Central Committee (“WSDCC”) candidates across the State.<sup>8</sup> Certificates of Election have been issued to all of the prevailing candidates,<sup>9</sup> all of whom have been sworn in and have held office since January 8, 2021.<sup>10</sup>

Now, nearly a *year* after the election, Plaintiff WEiCU filed this election contest, asserting that widespread election fraud occurred during Washington's November 2020 General Election. WEiCU describes itself as a nonprofit corporation operating out of Pierce

<sup>6</sup> *Elections and Voting*, SECRETARY OF STATE: KIM WYMAN,  
<https://results.vote.wa.gov/results/20201103/president-vice-president.html> (last visited Oct. 3, 2021).

<sup>7</sup> See RCW 29A.60.185.

<sup>8</sup> *Elections and Voting*, SECRETARY OF STATE: KIM WYMAN, <https://results.vote.wa.gov/results/20201103/president-vice-president.html> (last visited Oct. 3, 2021).

<sup>9</sup> See RCW 29A.52.370.

<sup>10</sup> Jasmyne Keimig, *The 2021 Legislative Session Kicks Off With Virtual Swearing-In Ceremonies*, THE STRANGER (Jan. 8, 2020), <https://www.thestranger.com/slog/2021/01/08/54577174/the-2021-legislative-session-kicks-off-with-virtual-swearing-in-ceremony>.

1 County, Washington. Compl. ¶ 2. WEiCU does not describe its mission, who its members are,  
 2 or how it has any interest in filing this lawsuit. It also attempts to represent itself *pro se*.  
 3 Several *pro se* Plaintiffs have joined, none of whom allege or even explain who they are or  
 4 how they have allegedly been harmed.  
 5

6 Together, without explaining the factual basis for their claims, Plaintiffs assert that the  
 7 County Director engaged in widespread “election fraud” by: flipping, deleting, and adding  
 8 votes; participating in “party preference”; identifying who voted some ballots and creating a  
 9 “record of the voters’ party preferences”; and leaving ballots unsecure.<sup>11</sup> Compl. ¶¶ 10–15,  
 10 23–26, 33–34. Plaintiffs also assert, without any factual basis, that 400,000 votes were added,  
 11 6,000 votes were flipped, and “thousands of voters were removed” in “one or more statewide  
 12 races before, during, and/or after the election”—an unidentified portion of which was  
 13 perpetrated in the County by the Director or by other election officials. *Id.* ¶ 26.  
 14

15 Plaintiffs further allege that they attempted to serve the County with a public records  
 16 request under Washington’s Public Record Act (“PRA”) so that they could inspect ballots  
 17 from the 2020 election, but that the County denied their request. *Id.* ¶ 51. Plaintiffs challenge  
 18 the County’s actions under Washington’s election contest statutes, contend that the County  
 19 violated the PRA, and allege an assortment of constitutional claims under the Washington and  
 20 U.S. Constitutions. *Id.* ¶ 5.  
 21

22 Despite its long-winded (and entirely unsupported) accusations, Plaintiff WEiCU does  
 23 not identify a single member in its organization who was unable to vote, whose ballot was not  
 24 kept secret or secure, whose vote was not counted, whose vote was “flipped,” or who suffered  
 25 any other kind of identifiable harm. Not one. The individual Plaintiffs, for their part, fail to  
 26 allege that they were aggrieved in a discernable way by any of the County’s actions. Indeed,  
 27

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28 <sup>11</sup> WSDCC takes the facts alleged as true for purposes of this motion only, as it must.  
 29

1 the individual Plaintiffs do not even complain that they voted for a candidate who lost his or  
 2 her election. Plaintiffs do not claim that any of the County's actions affected enough ballots  
 3 to change the results of the election. Indeed, Plaintiffs concede that they are not contesting the  
 4 election of *any* candidate elected to office and explicitly state that they are not asking to de-  
 5 certify the election. *Id.* ¶ 8.  
 6

7 Plaintiffs fall far short of alleging plausible facts to justify their claims. Plaintiffs  
 8 throughout allege that they are “informed and believe” that the Director “maintained a record  
 9 of County electors party preference” and “identify[ed] ballots cast by County electors in the  
 10 Election by party preference” in violation of the Director’s “Oath of impartiality.” *Id.* ¶ 34.  
 11 They provide no support for this assertion beyond their “information and belief.” Plaintiffs  
 12 also allege, without more, that Plaintiffs are “informed and believe” that the Director “engaged  
 13 in wrongful acts, errors, and/or neglect of duty by allowing and/or facilitating electronic  
 14 manipulation of the voting results from the Election.” *Id.* ¶ 28. They provide no further  
 15 explanation or factual basis for this assertion.  
 16

17 Despite the fact that Plaintiffs do not challenge the election results, Plaintiffs insist  
 18 that the Court must “ascertain, determine, and declare Plaintiffs’ rights and duties of the  
 19 Director as they pertain to the Election and future elections.” *Id.* ¶ 63. Specifically, Plaintiffs  
 20 seek three remedies. First, Plaintiffs ask the Court to issue an order declaring that the County  
 21 broke state law and the Washington and U.S. Constitutions, and request that the Court  
 22 permanently enjoin the County from doing so moving forward. *Id.* ¶ 16–17. Second, Plaintiffs  
 23 seek license to conduct a “full forensic audit” of the County’s election department “in  
 24 coordination with Jovan Hutton Pulitzer.” *Id.* ¶ 5, 56. Third, Plaintiffs request that the Court  
 25 order the County to unseal an unspecified number of ballots from the County so that they may  
 26 “prove (or disprove)” their allegations. *Id.* ¶ 56. Plaintiffs also ask that the Court award it  
 27

1 costs. *Id.* ¶ 71. None of this is remotely supported by Washington (or federal law); indeed, it  
 2 is—uniformly—*barred* by Washington (and federal) law.  
 3

4 Plaintiffs stand before the Court with nothing but speculation, fueled by conspiracy  
 5 theories, asking for breathtaking and entirely unwarranted “relief.” This litigation should be  
 6 promptly dismissed entirely and with prejudice: it is untimely, Plaintiffs lack standing, their  
 7 claims are moot and barred by the doctrine of laches, and Plaintiffs have failed to state a  
 8 cognizable claim.  
 9

10 **V. ARGUMENT**  
 11

12 **A. Legal Standard**  
 13

14 A complaint must include either “direct allegations on every material point necessary  
 15 to sustain a recovery on any legal theory” or “allegations from which an inference fairly may  
 16 be drawn that evidence on these material points will be introduced at trial.” *Havsy v. Flynn*,  
 17 88 Wn. App. 514, 518, 945 P.2d 221 (1997). Dismissal for failure to state a claim under CR  
 18 12(b)(6) is appropriate when “a plaintiff’s claim remains legally insufficient even under his  
 19 or her proffered hypothetical facts.” *Gorman v. Garlock, Inc.*, 155 Wn.2d 198, 215, 118 P.3d  
 20 311 (2005). In other words, although the Court must accept all of Plaintiffs’ factual allegations  
 21 as true and must draw all reasonable inferences in favor of Plaintiffs, dismissal is appropriate  
 22 if the complaint alleges no facts that would justify the relief Plaintiffs request. *Gorman v. City*  
 23 311 (2005). In other words, although the Court must accept all of Plaintiffs’ factual allegations  
 24 as true and must draw all reasonable inferences in favor of Plaintiffs, dismissal is appropriate  
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 42 as true and must draw all reasonable inferences in favor of Plaintiffs, dismissal is appropriate  
 43 if the complaint alleges no facts that would justify the relief Plaintiffs request. *Gorman v. City*  
 44 311 (2005). In other words, although the Court must accept all of Plaintiffs’ factual allegations  
 45 as true and must draw all reasonable inferences in favor of Plaintiffs, dismissal is appropriate  
 46 if the complaint alleges no facts that would justify the relief Plaintiffs request. *Gorman v. City*  
 47 311 (2005).

48 Where plaintiffs plead fraud or mistake, Washington’s civil rules impose a heightened  
 49 standard. Under CR 9(b), “[i]n *all averments of fraud* or mistake, the circumstances  
 50 constituting fraud or mistake shall be stated with particularity” (emphasis added). It is not  
 51 necessary under CR 9 “that the word ‘fraud’ be used in the complaint, as long as facts are  
 52 pleaded sufficient to present the question of fraud.” *Pedersen v. Bibioff*, 64 Wn. App. 710,

1 721, 828 P.2d 1113 (1992) (citing *Harstad v. Frol*, 41 Wn. App. 294, 301, 704 P.2d 638  
 2 (1985)). “A complaint adequately alleges fraud if it informs the defendant of who did what,  
 3 and describes the fraudulent conduct and mechanisms.” *Hous. Auth. of City of Seattle v. Aden*,  
 4 162 Wash. App. 1019, 2011 WL 2306046, at \*2 (2011) (citing *Haberman v. Wash. Pub.*  
 5 *Power Supply Sys.*, 109 Wn. 2d 107, 165–166, 744 P.2d 1032 (1987)). A motion to dismiss  
 6 under CR 9(b) for failure to plead with particularity is the functional equivalent of a CR 12(b)  
 7 motion to dismiss for failure to state a claim. *Id.* (citing *Haberman*, 109 Wn.2d at 120, 165–  
 8 66).  
 9

10 Application of these standards to Plaintiffs’ Complaint mandates prompt dismissal.  
 11

12 **B. WEiCU Is Not Properly Before this Court**

13 As an initial matter, WEiCU appears *pro se* in this case, but it is an organization. By  
 14 law, it must be represented by an attorney, and cannot represent itself. *Dutch Vill. Mall v.*  
 15 *Pelletti*, 162 Wn. App. 531, 535–36, 256 P.3d 1251 (2011). This alone is sufficient to dismiss  
 16 WEiCU from this action. *Id.* at 539 (“The trial court correctly granted the motion to strike the  
 17 pleadings of [the unrepresented corporation] unless, within 30 days, they were either  
 18 withdrawn or signed by an attorney.”); *Cottringer v. State, Dep’t of Emp. Sec.*, 162 Wash.  
 19 App. 782, 790, 257 P.3d 667 (2011) (“The trial court did not abuse its discretion by dismissing  
 20 [the unrepresented corporation’s] petitions for review with prejudice because of [its] failure  
 21 to retain counsel within the time prescribed by the trial court.”).

22 **C. This Election Contest is Untimely Under RCW 29A.68.013**

23 The time to file an election contest has long expired. Washington law permits a  
 24 registered voter to contest an election *only* if an affidavit of an elector is filed within ten days  
 25 of certification. RCW 29A.68.013 (“An affidavit of an elector under this subsection shall be  
 26 filed with the appropriate court no later than *ten days* following the official certification of the  
 27

1 primary or election . . . ”) (emphasis added); *see* RCW 29A.68.013. If the ten-day deadline is  
 2 ignored, the contest must be dismissed for untimeliness. *See Becker v. Cnty. of Pierce*, 126  
 3 Wn.2d 11, 21, 890 P.2d 1055 (1995) (dismissing an election contest as untimely where  
 4 plaintiff “filed her complaint more than a year after the date that the general election . . . ”); *cf.*  
 5 *In re Feb. 14, 2017, Special Election on Moses Lake Sch. Dist. #161 Proposition 1*, 2 Wn.  
 6 App. 2d 689, 695–96, 413 P.3d 577 (2018) (determining “timeliness” of an election contest  
 7 based on whether an affidavit was filed within ten days of certification). Here, the Secretary  
 8 of State certified the election results on December 3, 2020.<sup>12</sup> Plaintiffs’ deadline to file an  
 9 affidavit from an elector was therefore ten days after December 3—December 13, 2020.  
 10 Plaintiffs are 297 days too late. Plaintiffs had an affirmative obligation to air their concerns  
 11 before or immediately after the election to avoid precisely these belated, could-have should-  
 12 have complaints.<sup>13</sup>

13 Plaintiffs assert (without support) that Washington’s ten-day deadline for election  
 14 contests does not bar their claims, Compl. ¶ 8, but their assertion is contrary to the essence of  
 15 their Complaint and the plain letter of the law. Nearly all of Plaintiffs’ claims cite exclusively  
 16 to Washington’s election contest statute, RCW 29A.68.013, as their legal basis for filing this  
 17 lawsuit. And regardless of their attempt to skirt around the election contest statute, the heart  
 18 of their action is just that—a challenge to the election result. Indeed, Plaintiffs’ PRA claim to

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19 <sup>12</sup> *Elections and Voting*, SECRETARY OF STATE: KIM WYMAN  
 20 <https://results.vote.wa.gov/results/20201103/president-vice-president.html> (last visited Oct. 3, 2021).  
 21 In ruling on this Motion, the Court may take judicial notice of “public documents if the authenticity of  
 22 those documents cannot be reasonably disputed.” *Jackson v. Quality Loan Serv. Corp.*, 186 Wn. App.  
 23 838, 844, 347 P.3d 487 (2015) (citing *Berge v. Gorton*, 88 Wn.2d 756, 763, 567 P.2d 187 (1977)). The  
 24 cited website is the Secretary of State’s public website and is “not subject to reasonable dispute,” thus,  
 25 the Court may take judicial notice of the December 3 certification date.

26 <sup>13</sup> It is, of course, not difficult to discern the purpose of this long-standing provision of state  
 27 law: to ensure the prompt resolution of any dispute over the outcome of an election, to instill  
 28 confidence in the outcome of elections, and to allow for office holders to promptly assume office and  
 29 conduct the state’s business on behalf of Washington citizens.

1 inspect sealed ballots can only be grounded in an election contest. There are very few  
 2 circumstances where ballots may be inspected post-election, and only one is potentially  
 3 applicable here: pursuant to RCW 29A.60.110(2), a superior court may order the unsealing of  
 4 ballots “in a contest or election dispute.”  
 5

6 Washington law is clear: “[a]ll election contests must proceed under RCW 29A.68.011  
 7 or 29A.68.013.” RCW 29A.68.020. This is an election contest. It is untimely. It must be  
 8 dismissed on this basis alone.  
 9

#### 10 D. Plaintiffs Lack Standing

11 Even if this matter were not barred by RCW 29A.68.011 (and it is), neither WEiCU  
 12 nor the individual Plaintiffs have standing to pursue this action.  
 13

14 Washington courts have established a two-part inquiry to determine standing. First,  
 15 the party must suffer an “injury in fact” by showing “a personal injury fairly traceable to the  
 16 challenged conduct and likely to be redressed by the requested relief.” *State v. Johnson*, 179  
 17 Wn.2d 534, 552, 315 P.3d 1090 (2014) (quoting *High Tide Seafoods v. State*, 106 Wn.2d 695,  
 18 702, 725 P.2d 411 (1986)). Second, the courts consider whether the interest asserted is  
 19 arguably within the “zone of interests” to be protected by the statute or constitutional guaranty  
 20 in question. *Id.* Organizations, like WEiCU, “have standing to assert the interests of their  
 21 members, so long as members of the organization would otherwise have standing to sue, the  
 22 purpose of the organization is germane to the issue, and neither the claim nor the relief requires  
 23 the participation of individual members.” *Five Corners Fam. Farmers v. State*, 173 Wn.2d  
 24 296, 304, 268 P.3d 892 (2011). Plaintiffs lack standing because they have not suffered any  
 25 personal injuries, the interests they assert are not within the “zone of interests” meant to be  
 26 protected by Washington’s election contest statutes, and the Court cannot address the injuries  
 27 they allege.  
 28

1           **1. Plaintiffs Have Not Suffered an Injury in Fact**

2           **a. Plaintiffs Lack Standing Under the Election Contest Statutes**

3           As an initial matter, Plaintiffs plainly lack standing under the election contest statutes.  
 4           The statutes confer a private right of action for “registered voter[s],” but not to just any  
 5           registered voters—only registered voters who are “challeng[ing] the right to assume office of  
 6           a candidate declared elected to that office … the right of a candidate to appear on the general  
 7           election ballot after a primary, or … certification of the result of an election on any measure.”  
 8           RCW 29A.68.020.

9           WEiCU obviously does not qualify as a “registered voter.” And the individual  
 10          Plaintiffs seek none of this relief, and therefore do not seek to invoke an interest within the  
 11          “zone of interests” protected by the statute. *Johnson*, 179 Wn.2d at 552. Indeed, as Plaintiffs  
 12          are admittedly not seeking to de-certify the election and do not challenge the election of a  
 13          single candidate, it is difficult to understand what interest Plaintiffs are seeking with respect  
 14          to an election nearly a year old. Compl. ¶ 8. This is plainly insufficient to confer standing.

15           **b. WEiCU Lacks Representational Standing**

16          Plaintiff WEiCU has failed to describe its mission as an organization, explain its  
 17          membership, or otherwise explain why it has any interest in this action. It has therefore failed  
 18          to show that it has representational standing to bring any of the constitutional claims it purports  
 19          to assert. *Five Corners Fam. Farmers*, 173 Wn.2d at 304 (for representational standing, an  
 20          organizations’ members must otherwise have standing and the purpose of the organization  
 21          must be germane to the issue).

22           **c. Plaintiffs’ Constitutional Claims are Generalized Grievances**

23          Plaintiffs’ more generalized complaint that the Washington and U.S. constitutions  
 24          were violated does not state an injury in fact. At a minimum, Plaintiffs must state a *personal*

1 injury to have standing. *Johnson*, 179 Wn.2d at 552. Plaintiffs' broad assertion that their "due  
 2 process, free speech, and equal protection" rights were "abridged" is insufficient to support  
 3 standing because Plaintiffs do not specify precisely how they were personally injured. This is  
 4 fatal. *See Wood v. Raffensperger*, 501 F. Supp. 3d 1310, 1321–23 (N.D. Ga 2020) (finding  
 5 individual Georgia voter lacked standing to challenge results of 2020 election under the Equal  
 6 Protection Clause and Due Process Clause based on a "generalized grievance regarding a state  
 7 government's failure to properly follow" the law); *Wis. Voters All. v. Pence*, 514 F. Supp. 3d  
 8 117, 120 (D.D.C. 2021) ("To the extent that they argue more broadly that voters maintain an  
 9 interest in an election conducted in conformity with the Constitution, they merely assert a  
 10 'generalized grievance' stemming from an attempt to have the Government act in accordance  
 11 with their view of the law."); *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 711 (D. Ariz. 2020)  
 12 ("[W]here, as here, the injury alleged by plaintiffs is that defendants failed to follow the  
 13 Elections Clause, the Supreme Court has stated that the injury is precisely the kind of  
 14 undifferentiated, generalized grievance about the conduct of government that courts have  
 15 refused to countenance.") (internal quotations and citation omitted).<sup>14</sup>

16 For its part, Plaintiff WEiCU does not identify a single member at all, let alone a  
 17 member that was unable to vote,<sup>15</sup> whose ballot was not kept secret,<sup>16</sup> whose vote was not  
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36       <sup>14</sup> The Washington Supreme Court has held that "[f]ederal standing doctrine, although distinct,  
 37 can be instructive." *Forbes v. Pierce Cnty.*, 5 Wn.2d 423, 434 n.2, 427 P.3d 675 (2018).

38       <sup>15</sup> Plaintiffs assert violations of Article I, Section 19 of the Washington Constitution. But  
 39 Article I, Section 19 is not implicated if Plaintiffs' right to vote "was not impeded in any way." *Brower*  
 40 *v. State*, 137 Wn.2d 44, 68, 969 P.2d 42 (1998) ("Article I, section 19 is not implicated in this case. ...  
 41 Mr. Brower's right to vote in that election was not impeded in any way."). No plaintiff asserts their  
 42 right to vote was impeded.

43       <sup>16</sup> Plaintiffs assert violations of Washington Constitution Article 6, Section 6. To state a  
 44 cognizable claim under Article 6, Section 6, "[t]he central concern of ballot secrecy, therefore, is  
 45 whether the individual voter can be identified." *White v. Wyman*, 4 Wn. App.2d 1071, 2018 WL  
 46 3738404, \*4 (2018). No Plaintiff has alleged that they, as an individual voter was identified, nor has  
 47 WEiCU named any member who was identified.

1 counted, whose vote was “flipped,” or who was otherwise personally injured. The individual  
 2 Plaintiffs also do not assert that any of these constitutional harms personally befell them.  
 3 When the injury alleged “is that the law … has not been followed,” it is “the kind of  
 4 undifferentiated, generalized grievance about the conduct of government” that is not an injury  
 5 in fact. *Dillard v. Chilton Cnty. Comm'n*, 495 F.3d 1324, 1332–33 (11th Cir. 2007). Even  
 6 where constitutional harms are alleged, a plaintiff’s “interest in proper application of the  
 7 Constitution and laws” is a generalized grievance that simply does not support standing. *Lujan*  
 8 *v. Defs. of Wildlife*, 504 U.S. 555, 573–74 (1992).

16                   **d. Plaintiffs were not Injured by any Equal Protection Violations**

17 Plaintiffs’ assertion that their Equal Protection rights were *personally* violated is  
 18 patently insufficient. Plaintiffs allege that their Equal Protection rights were violated because  
 19 “[b]allots from County electors, including Plaintiffs herein, were not treated equally,” Compl.  
 20 ¶ 61(e), but the question for standing purposes is not whether Plaintiffs were treated  
 21 “differently” but whether Plaintiffs were *actually injured* by differential treatment. *State v.*  
 22 *Pedro*, 148 Wn. App. 932, 945, 201 P.3d 398 (2009) (explaining that, for standing purposes  
 23 in an equal protection case, the question was not whether plaintiff was treated “unequally” but  
 24 whether plaintiff was “adversely affected”).

25 Taking Plaintiffs’ allegations as true, every County voter would have been treated  
 26 “unequally,” in that some voters’ ballots were allegedly “flipped” based on who they voted  
 27 for, while others’ ballots were not. But to have standing, at a minimum, a plaintiff would need  
 28 to allege that they were *personally injured*. See *State v. Farmer*, 116 Wn. 2d 414, 423, 805  
 29 P.2d 200 (1991) (adult plaintiff suffered no “prejudice,” and therefore had no standing to  
 30 assert that a statute violated the equal protection clause, because plaintiff only alleged that the  
 31 statute adversely impacted children); *see also Haberman*, 109 Wn.2d at 138–39 (plaintiffs  
 32

lacked standing and could not “assert the equal protection rights of other[s]”). Plaintiffs have not done so and cannot assert the equal protection rights of others.

**e. *Vote Dilution Claims are Generalized Grievances***

The only other injury claimed by Plaintiffs is the alleged “dilution” of Washingtonian voters’ votes. Compl. ¶ 61(b). But courts have long held that an alleged injury of vote dilution from the threat of potential fraud does not confer standing, as it is both unduly speculative and impermissibly generalized. *See, e.g., Martel v. Condos*, 487 F. Supp. 3d 247, 253 (D. Vt. 2020) (“If every voter suffers the same incremental dilution of the franchise caused by some third-party’s fraudulent vote, then these voters have experienced a generalized injury.”); *Am. C. R. Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 789 (W.D. Tex. 2015) (“[T]he risk of vote dilution[ is] speculative and, as such, [is] more akin to a generalized grievance about the government than an injury in fact.”); *cf. Paher v. Cegavske*, 457 F. Supp. 3d 919, 926 (D. Nev. 2020) (citations omitted) (“Plaintiffs’ purported injury of having their votes diluted due to ostensible election fraud may be conceivably raised by any Nevada voter [and] does not satisfy the requirement that Plaintiffs must state a concrete and particularized injury.”). Such is the case here. Any dilution admittedly would have affected all Washington voters, not merely Plaintiffs. Compl. ¶ 61(b). Accordingly, Plaintiffs’ purported vote dilution injury is a generalized grievance and cannot support standing as a matter of law.

**f. *Plaintiffs Have Not Alleged that an Injury is Certainly Impending***

For Plaintiffs to sufficiently allege a threatened injury rather than an existing injury, they must show that “the injury will be immediate, concrete, and specific; a conjectural or hypothetical injury will not confer standing.” *See Knight v. City of Yelm*, 173 Wn.2d 325, 341, 267 P.3d 973 (2011) (quoting *Suquamish Indian Tribe v. Kitsap Cnty.*, 92 Wn. App. 816, 829, 965 P.2d 636 (1998)). Plaintiffs’ vague assertion that the Court must “ascertain, determine,

1 and declare Plaintiffs' rights and duties of the Director as they pertain to the Election and  
 2 future elections" falls rather decidedly short of showing a concrete injury with respect to  
 3 "future elections." Compl. ¶ 63. And since Plaintiffs do not even bother to mention which  
 4 election they refer to, any potential future injury is entirely nonspecific and hypothetical.  
 5  
 6

7 **2. Plaintiffs Injury is not Redressable**

8 Finally, and independently, Plaintiffs lack standing because the relief they seek would  
 9 not redress the injuries they allege. *Johnson*, 179 Wn.2d at 552.

10 Plaintiffs seek three remedies: (1) an order declaring that the County broke the law  
 11 and barring the County from doing so moving forward; (2) a license to "audit" the County's  
 12 election department; and (3) an order allowing them to inspect ballots from the 2020 election.  
 13 Compl. ¶ 5, 16–17, 55. But these remedies would do nothing to change long-certified elections  
 14 from November 2020. Nor does a request to have the County simply obey the law—which  
 15 they are already bound to do—result in any meaningful redress. *See S.E.C. v. Goble*, 682 F.3d  
 16 934, 949 (11th Cir. 2012) ("[A]n obey-the-law injunction does little more than order the  
 17 defendant to obey the law. We have repeatedly questioned the enforceability of obey-the-law  
 18 injunctions."); *E.E.O.C. v. AutoZone, Inc.*, 707 F.3d 824, 841 (7th Cir. 2013) ("An obey-the-  
 19 law injunction departs from the traditional equitable principle that injunctions should prohibit  
 20 no more than the violation established in the litigation or similar conduct."). Plaintiffs have  
 21 not requested, and the Court cannot provide a remedy that would redress the injuries Plaintiffs  
 22 are asserting.

23 In sum, Plaintiffs have suffered no injury, the interests they assert are not within the  
 24 zone of interest protected by statute, and this Court cannot redress the injuries they claim.  
 25 Plaintiffs' action must be dismissed for lack of standing.

1           **E. Plaintiffs' Claims Fail Due to Mootness**

2           For the same reasons that Plaintiffs have no standing, Plaintiffs case is moot. “A case  
 3 is moot if a court can no longer provide effective relief.” *Harbor Lands LP v. City of Blaine*,  
 4 146 Wn. App. 589, 592, 191 P.3d 1282 (2008) (quoting *Orwick v. City of Seattle*, 103 Wn.2d  
 5 249, 253, 692 P.2d 793 (1984)). If a case is moot, a court has no jurisdiction to hear it. *Id.*  
 6 (citation omitted). Plaintiffs’ requests are all aimed at contesting the results of the November  
 7 2020 election. Since the time has passed for an election contest and all elections from  
 8 November 2020 have been fully and finally certified, the Court has no basis to provide any  
 9 kind of relief to Plaintiffs. *Jackson v. Bd. of Election Comm’rs of City of Chi.*, 2012 IL 111928,  
 10 ¶ 36, 975 N.E.2d 583, 593 (Ill. 2012) (“[C]onclusion of an election cycle normally moots an  
 11 election contest.”); *Brooks v. Brown*, 282 Ga. 154, 154, 646 S.E.2d 265, 267 (2007) (“In  
 12 general, election contest cases become moot once the general election in contention has  
 13 occurred.”); *Bowyer*, 506 F. Supp. 3d at 720 (election contest filed a month after the 2020  
 14 election was moot because the court could not “de-certify the results” and therefore “it would  
 15 be meaningless to grant Plaintiffs any of the remaining relief they seek”).

16           Indeed, Plaintiffs have not petitioned for any relief in this action other than what the  
 17 Court *could have* provided if Plaintiffs filed a timely election contest. *See* RCW 29A.68.020.  
 18 For that reason, the case is moot and should be dismissed.

19           **F. Laches Bars Plaintiffs’ Claims**

20           Plaintiffs’ claims are also separately and independently barred by the equitable  
 21 doctrine of laches. Laches protects parties from “unreasonable prejudicial delay.” *Tupper v.*  
 22 *Tupper*, 15 Wn. App. 2d 796, 810–11, 478 P.3d 1132 (2020). To successfully assert laches,  
 23 the party employing the doctrine must prove “(1) inexcusable delay and (2) prejudice to the  
 24 other party from such delay.” *Id.* (citations omitted). The most important factor is “the  
 25

1 resulting prejudice and damage to others.” *Id.* (citation omitted). Laches is applied only if the  
 2 party asserting it “has so altered [its] position that it would be inequitable to enforce the  
 3 claim.” *Id.* (citation omitted). That is certainly the case here.  
 4

5 First, Plaintiff’s year-long delay is patently unreasonable. Plaintiffs’ action is based on  
 6 events that occurred during and immediately after the November 2020 election, and it could  
 7 have and should have been raised at the time. (Indeed, state law mandates that these claims  
 8 should have been raised within 10 days of certification.) Other courts considering similar  
 9 challenges to election results have properly found that election challenges filed even weeks  
 10 after elections are too late when plaintiffs could have filed those challenges months sooner.  
 11 *E.g., Trump v. Wis. Elections Comm’n*, 983 F.3d 919, 925 (7th Cir. 2020), cert. denied, 141  
 12 S. Ct. 1516, 209 L. Ed. 2d 253 (2021) (affirming district court’s dismissal of election contest  
 13 due to laches, and stating “[t]he timing of election litigation matters. Any claim against a state  
 14 electoral procedure must be expressed expeditiously”) (internal citations and quotations  
 15 omitted); *Raffensperger*, 501 F. Supp. 3d at 1324 (concluding that plaintiff’s eight-month late  
 16 claims were barred by laches because the plaintiff “could have, and should have, filed his  
 17 constitutional challenge much sooner than he did, and certainly not two weeks after the  
 18 General Election”); *King v. Whitmer*, 505 F.Supp.3d at 731–32 (finding plaintiffs “showed no  
 19 diligence” in asserting their claims when they waited more than 21 days after the 2020 General  
 20 Election to assert claims that could have been brought “well before” the election); *Bowyer*,  
 21 506 F. Supp. 3d at 719 (dismissing election contest filed a month after the election due to  
 22 laches because it would prejudice the 3.4 million Arizonans who voted in the 2020 General  
 23 Election). Plaintiffs year-long delay is doubly inexcusable.  
 24

25 Second, Plaintiffs’ unjustifiable delay prejudices WSDCC’s affiliated candidates, who  
 26 campaigned, won their elections, and have been fulfilling their duties as elected officials since  
 27

1 January. In addition, it would prejudice the millions of voters who dutifully cast their votes  
 2 according to the rules and practices that Plaintiffs could have challenged prior to or right after  
 3 the election. Here, Plaintiffs waited until after the election and then much more to cast doubt  
 4 on the election with entirely speculative claims. This Court should find that laches firmly bars  
 5 this action.

6

7 **G. Plaintiffs Fail to State a Claim**

8

9 In addition to the jurisdictional bars to Plaintiffs' action, Plaintiffs' Complaint must  
 10 independently be dismissed because it fails to state a claim upon which relief can be granted.

11

12 **1. Plaintiffs' Election Contest Fails**

13

14 Plaintiffs fail to state a claim under Washington's election contest statutes.  
 15 Washington law expressly limits the grounds upon which an election contest may be brought  
 16 to three circumstances: (1) to challenge the right to assume office of a candidate declared  
 17 elected to that office; (2) to challenge the right of a candidate to appear on the general election  
 18 ballot after a primary; or (3) to challenge certification of the result of an election on any  
 19 measure. RCW 29A.68.020. In other words, Washington's election contest statutes do not  
 20 permit voters to bring election contests just for the sake of it—an election contest is a tool to  
 21 challenge the illegitimate victory of a candidate or to de-certify an election. “[A]n election  
 22 contest which fails to allege ‘the particular causes of contest ... with sufficient certainty’ may  
 23 be dismissed.” *In re Coday*, 156 Wn.2d 485, 496, 130 P.3d 809 (2006) (quoting RCW  
 24 29A.68.030).

25

26 Here, however, Plaintiffs are not asserting any of the three permissible challenges. In  
 27 fact, Plaintiffs do not allege that any of the County's actions affected enough ballots to change  
 28 the outcome of the election. The absence of these allegations is fatal to Plaintiffs' election  
 29 contest. *Id.* at 490–91 (holding that contestants had not asserted a cognizable election contest

1 claim because “while the contestants had proved that errors and omissions by county election  
 2 officials had occurred, and that illegal votes were cast, they had not proved that the outcome  
 3 of the governor’s election was changed as a result.”).

4

5 **2. Plaintiffs’ Claims Under the PRA Fail**

6

7 Plaintiffs have also failed to state a cognizable claim that they are entitled to inspect  
 8 an unspecified number of sealed ballots. Compl. ¶ 5, 56. Washington law requires county  
 9 officials seal all ballots in containers “immediately after tabulation,” RCW 29A.60.110(1),  
 10 and only provides four narrow circumstances in which those ballots may be unsealed: (1) to  
 11 conduct recounts; (2) to conduct a random check forty-eight hours after election day; (3) for  
 12 the County Director to conduct a pre-certification audit; or (4) by order of a superior court in  
 13 a contest or election dispute. RCW 29A.60.110(2). Only the fourth scenario is relevant here.  
 14 But as stated, the time for an election contest has long passed. *See* RCW 29A.68.012; RCW  
 15 29A.68.011. Thus, Plaintiffs’ claim under the PRA necessarily fail.

16

17 **3. Plaintiffs’ Remaining Claims Fail**

18

19 Plaintiffs’ remaining claims also fail for failing to plead a sufficient factual basis for  
 20 their claims.

21

22 First, Plaintiffs have not met the heightened pleading standard required to allege that  
 23 the County committed election fraud. Under CR 9(b), “[i]n *all averments of fraud* or mistake,  
 24 the circumstances constituting fraud or mistake shall be stated with particularity” (emphasis  
 25 added). It is not necessary under CR 9 “that the word ‘fraud’ be used in the complaint, as long  
 26 as facts are pleaded sufficient to present the question of fraud.” *Pedersen v. Bibioff*, 64 Wash.  
 27 App. 710, 721, 828 P.2d 1113 (1992) (citing *Harstad v. Frol*, 41 Wn. App. 294, 301, 704 P.2d  
 28 638 (1985)). Here, Plaintiffs’ entire Complaint is grounded in baseless and vague allegations  
 29 of election fraud, and therefore, it must meet the heightened pleading standard under

1 Washington law. *See* Compl. ¶ 15 (stating that Plaintiffs are “informed and believe” that the  
 2 County tabulated election results on an “Uncertified Voting System”); ¶ 34 (accusing the  
 3 Director of engaging in “party preference” without any factual support for such allegation).  
 4 This heightened pleading standing “requires that the pleading apprise the defendant of the  
 5 facts that give rise to the allegation of fraud.” *See Adams v. King Cnty.*, 164 Wn. 2d 640, 662,  
 6 192 P.3d 891 (2008) (citations omitted). Plaintiffs fail to allege any specific facts that give  
 7 rise to the supposed fraud.  
 8

9 Plaintiffs only present conclusions and sweeping incantations of fraud—but without  
 10 providing any supporting detail, much less claims that would satisfy their burden under CR  
 11 9(b) of pleading with particularity. *See, e.g., Lutaaya v. Boeing Emps. Credit Union*, 5  
 12 Wn.App.2d 1022, 2018 WL 4583679, at \*4 (2018) (plaintiff “made only vague allegations of  
 13 fraud” and therefore did not meet the heightened pleading standard); *McAfee v. Select  
 14 Portfolio Servicing, Inc.*, 193 Wn. App. 220, 232–33, 370 P.3d 25 (2016) (“McAfee makes  
 15 general statements about the defendants’ ‘collusion,’ ‘material misrepresentations,’ and  
 16 ‘fraudulent actions.’ But ‘these conclusory assertions and general complaints do not provide  
 17 the who, what, when, where, and how of a properly pleaded fraud claim.’”). Here, for example,  
 18 Plaintiffs assert (without any further explanation or support) that the County Director or other  
 19 election officials “added” 400,000 votes, “flipped” 6,000 votes, and “removed” thousands of  
 20 voters in “one or more statewide races before, during, and/or after the election.” Compl. ¶ 26.  
 21 But they offer nothing to explain the who, what, when, or why of these groundless accusations.  
 22 These are precisely the types of vague allegations of fraud that do not meet the heightened  
 23 pleading standard of CR 9(b).  
 24

25 Second, Plaintiffs fail even to meet even the lesser pleadings standards under CR 8(a).  
 26 Under CR 8(a), a complaint need contain “a short and plain statement of the claim showing  
 27

that the pleader is entitled to relief” and “a demand for judgment for the relief to which he deems himself entitled.” *FutureSelect Portfolio Mgmt., Inc. v. Tremont Grp. Holdings, Inc.*, 175 Wn. App. 840, 865–66, 309 P.3d 555 (2013) (citations omitted). But “[a] pleading is insufficient when it does not give the opposing party fair notice of what the claim is and the ground upon which it rests.” *Id.* (citing *Kirby v. City of Tacoma*, 124 Wn. App. 454, 470, 98 P.3d 827 (2004)). Plaintiffs provide no clue as to what grounds their claims rest upon, nor do they provide any support for their claims beyond their own “information and belief.” This requires Defendants to shadowbox in order to mount their defense, guessing what the grounds for Plaintiffs’ claims *might be*. Plaintiffs’ claims therefore fall far short of meeting even the minimal pleading standard of CR 8(a).

Plaintiffs’ claims are nothing more than another in a long line of cases that have asserted baseless allegations of widespread election fraud. This conspiracy-theory has been repeatedly and emphatically found to be without merit,<sup>17</sup> and Intervenors are not aware of a single case where a court credited these allegations. This Court should not either.

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<sup>17</sup> E.g., *Trump v. Kemp*, 511 F. Supp. 3d 1325, 1331–34 (N.D. Ga. 2021) (dismissing challenge to 2020 election due to “illegal votes” for lack of standing and failure to state a claim); *Trump v. Wis. Elections Comm’n*, 983 F.3d 919, 925 (7th Cir. 2020), cert. denied, 141 S. Ct. 1516 (2021) (affirming dismissal of election contest based on voter fraud); *Bowyer*, 506 F. Supp. 3d at 724 (“Allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court. They most certainly cannot be the basis for upending Arizona’s 2020 General Election.”); *Law v. Whitmer*, 477 P.3d 1124, 2020 WL 7240299, at \*21 (Nev. 2020) (“The Contestants failed to meet their burden to provide credible and relevant evidence to substantiate any of the grounds set forth in NRS 293.410 to contest the November 3, 2020 General Election.”); *Donald J. Trump for President, Inc. v. Boockvar*, 493 F. Supp. 3d 331, 394 (W.D. Pa. 2020) (dismissing lawsuit challenging 2020 election results based on “speculative evidence of voter fraud”); *Raffensperger*, 501 F. Supp. 3d at 1331 (dismissing lawsuit seeking to prevent Georgia’s certification of the votes and noting that plaintiff presented “insubstantial evidence”); *Kraus v. Cegavske*, No. 82018, 2020 WL 6483971, at \*1 (Nev. Nov. 3, 2020) (upholding dismissal of lawsuit seeking to halt counting ballots based on claims of voter fraud because it “lacked evidentiary support”).

## VI. CONCLUSION

For the reasons set forth above, Intervenor Washington State Democratic Central Committee respectfully requests that the Court dismiss Plaintiffs' Complaint with prejudice.

Dated: October 6, 2021

s/ Kevin J. Hamilton

Kevin J. Hamilton, WSBA No. 15648  
KHamilton@perkinscoie.com

s/ Amanda J. Beane

Amanda J. Beane, WSBA No. 33070  
ABeane@perkinscoie.com

s/ Reina A. Almon-Griffin

Reina A. Almon-Griffin, WSBA No. 54651  
RAlmon-Griffin@perkinscoie.com

s/ Nitika Arora

Nitika Arora, WSBA No. 54084

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Attorneys for WASHINGTON STATE  
DEMOCRATIC PARTY

WASHINGTON STATE DEMOCRATIC  
CENTRAL COMMITTEE'S [PROPOSED]  
MOTION TO DISMISS 22

154138804.1

**Perkins Coie LLP**  
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1 THE HONORABLE LEROY MCCULLOUGH  
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17 SUPERIOR COURT OF THE STATE OF WASHINGTON  
18 FOR KING COUNTY

19  
20 WASHINGTON ELECTION  
21 INTEGRITY COALITION UNITED, a  
22 Washington State Nonprofit Corporation;  
23 DOUG BASLER; HOWARD FERGUSON;  
24 DIANA BASS; TIMOFEY SAMOYLENKO;  
25 AMY BEHOPE; MARY HALLOWELL;  
26 SAMANTHA BUCARI; RONALD  
27 STEWART; LYDIA ZIBIN; CATHERINE  
28 DODSON,

29 Plaintiffs,

30 v.

31  
32 JULIE WISE, King County Director of  
33 Elections; KING COUNTY, and DOES 1-30,  
34 inclusive,

35 Defendants,

36 and

37 WASHINGTON STATE DEMOCRATIC  
38 CENTRAL COMMITTEE,

39  
40 Proposed Intervenor  
41 Defendant.

42 No. 21-2-12603-7 KNT

43 [PROPOSED] ORDER GRANTING  
44 WASHINGTON STATE  
45 DEMOCRATIC CENTRAL  
46 COMMITTEE'S MOTION TO  
47 INTERVENE

[PROPOSED] ORDER GRANTING WASHINGTON  
STATE DEMOCRATIC CENTRAL COMMITTEE'S  
MOTION TO INTERVENE – 1

15934.0024\154125000.1

Perkins Coie LLP  
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Seattle, Washington 98101-3099  
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Before the Court is Proposed Intervenor Defendant Washington State Democratic Central Committee’s (“WSDCC”) Motion to Intervene. Having reviewed the papers filed in support of and in opposition to (if any) this Motion, and being fully advised, the Court finds that WDSCC has satisfied the elements of intervention as of right and the elements of permissive intervention. Accordingly, WSDCC is entitled to intervene in this case, and the Court GRANTS WSDCC’s motion and instructs WSDCC to file a response to the Complaint.

## IT IS SO ORDERED.

Dated:

# THE HONORABLE LEROY MCCOLLOUGH

[PROPOSED] ORDER GRANTING WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE'S MOTION TO INTERVENE – 2

15934.0024\154125000.1

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1  
2 Prepared by:  
3  
4 *s/ Kevin J. Hamilton*  
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[PROPOSED] ORDER GRANTING WASHINGTON  
STATE DEMOCRATIC CENTRAL COMMITTEE'S  
MOTION TO INTERVENE – 3

15934.0024\154125000.1

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**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 009  
Notice of Appearance**

The Honorable LeRoy McCullough

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

7 WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; ) No. 21-2-12603-7 KNT  
8 HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY BEHOPE; )  
9 MARY HALLOWELL; SAMANTHA BUCARI; ) NOTICE OF APPEARANCE  
RONALD STEWART; LYDIA ZIBIN; )  
10 CATHERINE DODSON, )  
 )  
11 Plaintiffs, )  
v. )  
12 )  
JULIE WISE, Directory of King County )  
13 Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
14 )  
Defendants. )  
15 )

16 TO: WASHINGTON ELECTION INTEGRITY COALITION UNITED, a Washington State  
17 Nonprofit Corporation; DOUG BASLER; HOWARD FERGUSON; DIANA BASS; TIMOFEY  
SAMOYLENKO; AMY BEHOPE; MARY HALLOWELL; SAMANTHA BUCARI; RONALD  
STEWART; LYDIA ZIBIN; CATHERIN DODSON, Plaintiffs

19 YOU AND EACH OF YOU will please take notice that ANN SUMMERS, DAVID  
20 HACKETT, JANINE JOLY AND MARI ISAACSON hereby appear in the above-entitled action  
21 on behalf of Defendants Julie Wise, Director of King County Elections, and King County,  
without waiving question of:

1. Lack of jurisdiction over the subject matter;
  2. Lack of jurisdiction over the person;
  3. Improper venue;

4. Insufficiency of process;
  5. Insufficiency of service of process;
  6. Failure to state a claim upon which relief may be granted;
  7. Fraud;
  8. Failure to join a party under Rule 19;
  9. Statute(s) of Limitation; and
  10. Doctrine of Laches.

You are hereby notified that all further papers and pleadings herein, except for original process, shall be served upon the undersigned attorneys at the address below stated.

DATED this 7<sup>th</sup> day of October, 2021.

DANIEL T. SATTERBERG  
King County Prosecuting Attorney

By: s/ Ann Summers  
ANN M. SUMMERS, WSBA #21509  
DAVID J. HACKETT, WSBA #21236  
MARI ISAACSON, WSBA #42945  
JANINE JOLY, WSBA #27314  
Senior Deputy Prosecuting Attorneys  
Attorneys for Defendants  
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[david.hackett@kingcounty.gov](mailto:david.hackett@kingcounty.gov)  
[mari.isaacson@kingcounty.gov](mailto:mari.isaacson@kingcounty.gov)  
[Janine.joly@kingcounty.gov](mailto:Janine.joly@kingcounty.gov)

1                   **CERTIFICATE OF FILING AND SERVICE**

2                   I hereby certify that on October 7, 2021, I electronically filed the foregoing document  
3 with the Clerk of the Court using the King County Superior Court E-Filing System and sent a  
4 copy via First Class United States mail to the following:

5                   WASHINGTON ELECTION INTEGRITY COALITION UNITED  
6                   Tamborine Borrelli  
7                   13402 125<sup>th</sup> Avenue NW  
8                   Gig Harbor, WA 98329-4215

9                   Doug Basler  
10                  Plaintiff, Pro Se  
11                  1851 Central Place S. Suite 123  
12                  Kent, WA 98032

13                  Howard Ferguson  
14                  Plaintiff, Pro Se  
15                  4537 13<sup>th</sup> Avenue S  
16                  Seattle, WA 98108

17                  Diana Bass  
18                  Plaintiff, Pro Se  
19                  PO Box 7364  
20                  Bellevue, WA 98008

21                  Timofey Samoylenko  
22                  Plaintiff, Pro Se  
23                  1921 R. Street NE  
24                  Auburn, WA 98002

25                  Amy Behope  
26                  Plaintiff, Pro Se  
27                  507 SW 302<sup>nd</sup> Street  
28                  Federal Way, WA 98023

29                  Mary Hallowell  
30                  Plaintiff, Pro Se  
31                  17505 462<sup>nd</sup> Avenue SE  
32                  North Bend, WA 98045

Samantha Bucari  
Plaintiff, Pro Se  
3546 S. 244<sup>th</sup> Street  
Kent, WA 98032

Ronald Stewart  
Plaintiff, Pro Se  
29506 51<sup>st</sup> Avenue South  
Auburn, WA 98001

Lydia Zibin  
Plaintiff, Pro Se  
254 145<sup>th</sup> Place SE  
Bellevue, WA 98007

Catherine Dodson  
Plaintiff, Pro Se  
42131 212<sup>th</sup> Avenue SE  
Enumclaw, WA 98022

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 7<sup>th</sup> day of October, 2021.

s/Kris Bridgman  
KRIS BRIDGMAN  
Paralegal – Litigation Section  
King County Prosecuting Attorney's Office

**King County Superior Court  
21-2-12603-7 KNT  
Sub Number 010  
Notice of Removal**

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GEGFÁUÔVÁFHÁFGHEJÁUT  
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KING COUNTY SUPERIOR COURT  
STATE OF WASHINGTON

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED, a Washington State  
Nonprofit Corporation; DOUG BASLER;  
HOWARD FERGUSON; DIANA BASS;  
TIMOFEY SAMOYLENKO; AMY BEHOPE;  
MARY HALLOWELL; SAMANTHA  
BUCARI; RONALD STEWART; LYDIA  
ZIBIN; CATHERINE DODSON,

## Plaintiffs,

V.

JULIE WISE, Director of King County  
Elections; KING COUNTY, and DOES  
1-30, inclusive.

#### Defendants.

TO: THE CLERK OF THE COURT:

AND TO: Plaintiffs

PLEASE TAKE NOTICE that Defendants Julie Wise, in her official capacity, and King County filed a Notice of Removal of this action in the United States District Court for the Western District of Washington at Seattle on October 13, 2021. A copy of the Notice of

**Daniel T. Satterberg**, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
1191 Second Avenue, Suite 1700  
Seattle, Washington 98101  
(206) 296-0430 Fax (206) 296-8819

1 Removal is attached.  
2  
3

DATED this 13<sup>th</sup> day of October, 2021.

4 DANIEL T. SATTERBERG  
King County Prosecuting Attorney  
5  
6

By: *s/Ann M. Summers*  
7 ANN M. SUMMERS, WSBA #21509  
DAVID J. HACKETT, WSBA #21236  
MARI ISAACSON, WSBA #42945  
JANINE JOLY, WSBA #27314  
8 Senior Deputy Prosecuting Attorneys  
Attorneys for Defendants  
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[mari.isaacson@kingcounty.gov](mailto:mari.isaacson@kingcounty.gov)  
[Janine.joly@kingcounty.gov](mailto:Janine.joly@kingcounty.gov)  
13  
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**Daniel T. Satterberg**, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
1191 Second Avenue, Suite 1700  
Seattle, Washington 98101  
(206) 296-0430 Fax (206) 296-8819

1  
2                   CERTIFICATE OF SERVICE  
3

4  
5 I hereby certify that on October 13, 2021, I electronically filed the foregoing document  
6 with the Clerk of the Court using the King County Superior Court E-Filing System. The  
7 foregoing document was served to the following parties via First Class United States Mail:  
8

9  
10                   WASHINGTON ELECTION INTEGRITY COALITION UNITED  
11                   Tamborine Borrelli  
12                   13402 125<sup>th</sup> Avenue NW  
13                   Gig Harbor, WA 98329-4215

14  
15                   Doug Basler  
16                   Plaintiff, Pro Se  
17                   1851 Central Place S. Suite 123  
18                   Kent, WA 98032

19  
20                   Howard Ferguson  
21                   Plaintiff, Pro Se  
22                   4537 13<sup>th</sup> Avenue S  
23                   Seattle, WA 98108

24  
25                   Diana Bass  
26                   Plaintiff, Pro Se  
27                   PO Box 7364  
28                   Bellevue, WA 98008

29  
30                   Timofey Samoylenko  
31                   Plaintiff, Pro Se  
32                   1921 R. Street NE  
33                   Auburn, WA 98002

34  
35                   Amy Behope  
36                   Plaintiff, Pro Se  
37                   507 SW 302<sup>nd</sup> Street  
38                   Federal Way, WA 98023

39  
40                   Mary Hallowell  
41                   Plaintiff, Pro Se  
42                   17505 462<sup>nd</sup> Avenue SE  
43                   North Bend, WA 98045

44  
45                   Daniel T. Satterberg, Prosecuting Attorney  
46                   CIVIL DIVISION, Litigation Section  
47                   1191 Second Avenue, Suite 1700  
48                   Seattle, Washington 98101  
49                   (206) 296-0430 Fax (206) 296-8819

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[sbucari2108@gmail.com](mailto:sbucari2108@gmail.com)

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Plaintiff, Pro Se  
254 145<sup>th</sup> Place SE  
Bellevue, WA 98007

Catherine Dodson  
Plaintiff, Pro Se  
42131 212<sup>th</sup> Avenue SE  
Enumclaw, WA 98022

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 13<sup>th</sup> day of October, 2021.

s/Kris Bridgman  
KRIS BRIDGMAN  
Paralegal – Litigation Section  
King County Prosecuting Attorney's Office

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; ) No. 2:21-cv-01394  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY BEHOPE; )  
MARY HALLOWELL; SAMANTHA BUCARI; ) **NOTICE OF REMOVAL**  
RONALD STEWART; LYDIA ZIBIN; )  
CATHERINE DODSON, )  
Plaintiffs, )  
v. )  
JULIE WISE, Directory of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
Defendants. )

TO: Clerk of the Court;

AND TO: All parties and their counsel of record.

Defendants Julie Wise, in her official capacity, and King County (hereinafter, "King County Defendants"), by and through their undersigned attorneys, hereby give notice and petition for the removal of the above-referenced action, and in support thereof, states as follows:

1. Plaintiffs commenced the above-titled action in the Superior Court of the State of Washington for King County, under Washington Election Integrity Coalition United, et al. v. Julie Wise, et al., King County Superior Court Cause No. 21-2-12603-7 KNT on September 22,

1 2021. Plaintiffs served the King County Defendants on September 23, 2021. This action is now  
 2 pending in that Court.

3       2. This notice is filed within 30 days after service of the original Summons and  
 4 Complaint on the King County Defendants, pursuant to 28 U.S.C. § 1446(b), and thus, this  
 5 action can be removed to this Court.

6       3. This is a civil action over which this Court has original and supplemental  
 7 jurisdiction under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1367(a). This Court has original  
 8 jurisdiction of all civil actions arising under the Constitution and laws of the United States.  
 9 Plaintiffs have asserted claims that Defendants have violated the First and Fourteenth  
 10 Amendments to the United States Constitution and federal law, 52 U.S.C. § 20971 and 42 U.S.C.  
 11 § 1983 and § 1988. Because this Court has original jurisdiction of these claims, the entire action  
 12 can be removed pursuant to 28 U.S.C. § 1441(c). Additionally, this Court has supplemental  
 13 jurisdiction over Plaintiff's remaining state law claims. In any civil action of which this Court  
 14 has original jurisdiction, this Court also "shall have supplemental jurisdiction over all other  
 15 claims that are so related to claims in the action within such original jurisdiction that they form  
 16 part of the same case or controversy." 28 U.S.C. § 1367(a). Like the claims arising under the  
 17 United States Constitution, Plaintiffs' state law claims arise from the same conduct that Plaintiffs  
 18 allege violates the United States Constitution. Plaintiffs' state law claims are "so related" to their  
 19 federal claims as to "form part of the same case or controversy." This action may therefore be  
 20 removed to this Court pursuant to 28 U.S.C. § 1441(c) and 28 U.S.C. § 1367(a).

21       4. The underlying Complaint is being filed contemporaneously with this Notice of  
 22 Removal as a separate attachment. Pursuant to 28 U.S.C. § 1446(c) and LCR 101(b), the King  
 23 County Defendants have also filed the Attorney Verification of State Court Record

1 simultaneously with this Notice of Removal, as well as a copy of this Notice of Removal with  
2 the King County Superior Court.

3 WHEREFORE, the King County Defendants give notice and request that the above  
4 action now pending against them in the State of Washington for King County be removed to the  
5 United States District Court for the Western District of Washington at Tacoma, pursuant to 28  
6 U.S.C. § 1441 and § 1446.

7  
8 DATED this 13<sup>th</sup> day of October, 2021.

9 DANIEL T. SATTERBERG  
10 King County Prosecuting Attorney

11 By: s/Ann M. Summers  
12 ANN M. SUMMERS, WSBA #21509  
13 DAVID J. HACKETT, WSBA #21236  
14 MARI ISAACSON, WSBA #42945  
15 JANINE JOLY, WSBA #27314  
16 Senior Deputy Prosecuting Attorneys  
17 Attorneys for Defendants  
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21 [ann.summers@kingcounty.gov](mailto:ann.summers@kingcounty.gov)  
22 [david.hackett@kingcounty.gov](mailto:david.hackett@kingcounty.gov)  
23 [mari.isaacson@kingcounty.gov](mailto:mari.isaacson@kingcounty.gov)  
[Janine.joly@kingcounty.gov](mailto:Janine.joly@kingcounty.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system and sent a copy of which via US Postal service to the following:

WASHINGTON ELECTION INTEGRITY COALITION UNITED  
Tamborine Borrelli  
13402 125<sup>th</sup> Avenue NW  
Gig Harbor, WA 98329-4215

Doug Basler  
Plaintiff, Pro Se  
1851 Central Place S. Suite 123  
Kent, WA 98032

Howard Ferguson  
Plaintiff, Pro Se  
4537 13<sup>th</sup> Avenue S  
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Diana Bass  
Plaintiff, Pro Se  
PO Box 7364  
Bellevue, WA 98008

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Amy Behope  
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254 145<sup>th</sup> Place SE  
Bellevue, WA 98007

Catherine Dodson  
Plaintiff, Pro Se  
42131 212<sup>th</sup> Avenue SE  
Enumclaw, WA 98022

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 13<sup>th</sup> day of October, 2021.

s/Kris Bridgman  
KRIS BRIDGMAN  
Paralegal – Litigation Section  
King County Prosecuting Attorney's Office

# EXHIBIT A

2021-01-13 11:39  
Case No. 21-2-12603-7 KNT

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

WASHINGTON ELECTION INTEGRITY )  
COALITION UNITED, a Washington State )  
Nonprofit Corporation; DOUG BASLER; )  
HOWARD FERGUSON; DIANA BASS; )  
TIMOFEY SAMOYLENKO; AMY )  
BEHOPE; MARY HALLOWELL; )  
SAMANTHA BUCARI; RONALD )  
STEWART; LYDIA ZIBIN; )  
CATHERINE DODSON, )  
Plaintiffs, )  
v. )  
JULIE WISE, Director of King County )  
Elections; KING COUNTY, and DOES )  
1-30, inclusive, )  
Defendants. )

---

Case No.  
**21-2-12603-7 KNT**

VERIFIED COMPLAINT FOR  
EQUAL PROTECTION; VIOLATION OF  
CIVIL RIGHTS; EQUITABLE RELIEF;  
INJUNCTIVE RELIEF; DECLARATORY  
RELIEF; PUBLIC RECORDS ACTION TO  
COMPEL BALLOT PRODUCTION

JURY DEMAND (6 PERSON)

Plaintiffs allege:

**I. PARTIES**

1. Plaintiffs Doug Basler, Howard Ferguson, Diana Bass, Timofey Samoylenko, Amy Behope, Mary Hallowell, Samantha Bucari, Ronald Stewart, Lydia Zibin, and Catherine Dodson (“Citizen Plaintiffs”) are King County residents and lawful electors of

Washington State who voted in the November 2020 General Election (“Election”). (Article VI, §1, Washington State Constitution).

2. Plaintiff Washington Election Integrity Coalition United (“WEiCU”) is a Washington State nonprofit corporation with its principal office in Pierce County, Washington.

3. At all relevant times, Defendant Julie Wise is serving as the Director of King County Elections for the State of Washington, King County (“Director” and “County”), responsible for all Election procedures, elections staff, election workers, election observers, the accuracy of the County’s Election vote tabulations, and certification of the County Election’s tabulation results.

4. Defendant King County is a municipal corporation.

## II. OVERVIEW

5. The Director is responsible for conducting the County’s Election in violation of, *inter alia*, Plaintiffs’ equal protection, due process and free speech rights under the Washington State and United States Constitutions. Plaintiffs demand a jury trial and seek a judgment for damages for violations of their civil rights stemming from the Director using an uncertified voting system, allowing or facilitating vote flipping, additions and/or deletions, and allowing or facilitating party preference tracking and/or ballot identification. Plaintiff WEiCU issued a records request for ballots to confirm or deny the conduct and seeks a Court order compelling release of the public records, including a Court order unsealing ballots under RCW 29A.60.110, for a full forensic audit conducted by Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa County Arizona ballot auditor of approximately 2.1 million ballots.

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### III. JURISDICTION, VENUE, LIMITATIONS

6. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that: (1) A wrongful act has been performed or is about to be performed by any election officer; or (2) Any neglect of duty on the part of an election officer has occurred or is about to occur. (RCW 29A.68.013(1), (2).)

7. Venue is proper in the County's Superior Court for Constitutional violations, wrongful acts and/or neglect of duty by Director during the County's Election. (RCW 29A.68.013(1), (2).) Given a troublesome recent trend of judges recusing themselves thereby forcing actions to more favorable venues, Plaintiffs request that the Court immediately disclose to the parties any direct or indirect communications with any third parties aimed at disrupting the Court's ability to administer this action in a fair and equitable manner.

8. The narrow 10 day limitations period of RCW 29A.68.013 subsection (3) does not apply to Plaintiffs' claims, as Plaintiffs are not seeking de-certification of the Election.

9. Plaintiffs do not know the true names of defendants Does 1 through 30, inclusive, who are therefore sued by such fictitious names. Plaintiffs will amend this complaint to show their true names and capacities when they are ascertained.

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#### IV. WRONGFUL ACTS: USE OF UNCERTIFIED VOTING SYSTEM

**RCW 29A.68.013(1) and/or (2)**

**(Citizen Plaintiffs v. Director)**

10. Plaintiffs incorporate the allegations of paragraphs 1 through 9 above, as though fully set forth herein.

11. Plaintiffs are informed and believe and thereon allege, that Director engaged in a wrongful act by using an uncertified voting system to tabulate votes for the Election.

12. Director, who oversees all elections for the County, is required by federal and state law to use an electronic voting system certified by a U.S. Election Assistance Commission (EAC) accredited Voting System Test Labs (VSTLs). (Help America Vote Act 2002 (HAVA), 52 USC §20971, RCW 29A.12.080, RCW 29A.12.020, WAC 434-335-010, WAC 434-335-250, WAC 434-335-040(f).)

13. No voting device or its component software may be certified unless it has been tested and approved by an EAC accredited VSTL. (*Id.*)

14. Plaintiffs are informed and believe and thereon allege, that at the time of VSTL testing of the voting system used by Director for the Election, the VSTL was not accredited by the EAC. As a result, the EAC's and state level purported 'certifications' of the system in reliance on the non-accredited testing reports are null and void, and the Election was conducted by Director in violation of state and federal law. ("Uncertified Voting System"; 52 USC §20971, RCW 29A.12.080, RCW 29A.12.020, WAC 434-335-010, WAC 434-335-250, WAC 434-335-040(f).)

15. Plaintiffs are further informed and believe, and thereon allege, that in November 2020, Director personally certified the County's tabulation results generated by the Uncertified

Voting System for the Election, and that such act was in further error and/or neglect under state and federal law.

#### **V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**

##### **(Citizen Plaintiffs v. Director)**

16. Plaintiffs incorporate the allegations of paragraphs 1 through 15 above, as though fully set forth herein.

17. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that any electronic voting system used by Director to tabulate votes must be properly and legally certified under state and federal law.

18. Plaintiffs are informed and believe, and thereon allege, that Director disputes and denies the allegations of paragraphs 11 through 15 above.

19. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director as they pertain to the Uncertified Voting System used for the Election and future elections conducted by Director in the County.

#### **VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**

##### **(Citizen Plaintiffs v. Director)**

20. Plaintiffs incorporate the allegations of paragraphs 1 through 19 above, as though fully set forth herein.

21. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from conducting elections on the Uncertified Voting System, as any additional elections conducted using the Uncertified Voting System will be in further violation of state and federal law. In addition, Plaintiffs will suffer

irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

22. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from using the Uncertified Voting System or any uncertified voting system to tabulate votes in any election held in the County.

## **VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS**

### **RCW 29A.68.013(1) and/or (2)**

#### **(Citizen Plaintiffs v. Director)**

23. Plaintiffs incorporate the allegations of paragraphs 1 through 22 above, as though fully set forth herein.

24. Prior to assuming the duties of overseeing elections for the County, Director entered into a solemn contract with the citizens of the County in the form of a publicly sworn oath to, *inter alia*, 'faithfully and impartially discharge the duties of his or her office to the best of his or her ability.' (RCW 36.16.040; "Oath")

25. Contrary to Director's Oath, Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating electronic manipulation of the voting results from the Election.

26. Plaintiffs are informed and believe and thereon allege, based on official electronic tallies recorded and electronically reported and captured in real time, that approximately 6,000 votes were flipped, over 400,000 votes were added, and/or thousands of votes were removed in one or more state-wide races before, during, and/or after the Election. Plaintiffs are informed and

believe and thereon allege, that a portion of the state-wide vote flipping, additions and/or deletions occurred in the County's Election overseen by Director.

### **VIII. DECLARATORY RELIEF: VOTE FLIPPING, ADDITIONS AND/OR DELETIONS**

#### **(Citizen Plaintiffs v. Director)**

27. Plaintiffs incorporate the allegations of paragraphs 1 through 26 above, as though fully set forth herein.

28. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in a wrongful act, error and/or neglect of duty by allowing and/or facilitating electronic manipulation of the voting results from the Election.

29. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the alleged vote flipping, additions and/or deletions before, during and/or after the Election.

### **IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS**

#### **(Citizen Plaintiffs v. Director)**

30. Plaintiffs incorporate the allegations of paragraphs 1 through 29 above, as though fully set forth herein.

31. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating electronic manipulation of the voting results for any election held in the County. In addition, Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

32. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from allowing and/or facilitating electronic manipulation of the voting results for any election held in the County.

#### **X. WRONGFUL ACTS: PARTY PREFERENCE**

**RCW 29A.68.013(1) and/or (2)**

**(Citizen Plaintiffs v. Director)**

33. Plaintiffs incorporate the allegations of paragraphs 1 through 32 above, as though fully set forth herein.

34. Contrary to Director's Oath of impartiality, Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

#### **XI. DECLARATORY RELIEF: PARTY PREFERENCE**

**(Citizen Plaintiffs v. Director)**

35. Plaintiffs incorporate the allegations of paragraphs 1 through 34 above, as though fully set forth herein.

36. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in wrongful acts, errors and/or neglect of duty by: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

37. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the alleged party preference conduct.

## **XII. EQUITABLE RELIEF: PARTY PREFERENCE**

**(Citizen Plaintiffs v. Director)**

38. Plaintiffs incorporate the allegations of paragraphs 1 through 36 above, as though fully set forth herein.

39. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating party preference tracking and/or ballot identification. In addition, Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

40. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

## **XIII. WRONGFUL ACTS: BALLOT SECURITY**

**RCW 29A.68.013(1) and/or (2)**

**(Citizen Plaintiffs v. Director)**

41. Plaintiffs incorporate the allegations of paragraphs 1 through 40 above, as though fully set forth herein.

42. Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

#### **XIV. DECLARATORY RELIEF: BALLOT SECURITY**

**(Citizen Plaintiffs v. Director)**

43. Plaintiffs incorporate the allegations of paragraphs 1 through 42 above, as though fully set forth herein.

44. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

45. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the above alleged wrongful acts.

#### **XV. EQUITABLE RELIEF: BALLOT SECURITY**

**(Citizen Plaintiffs v. Director)**

46. Plaintiffs incorporate the allegations of paragraphs 1 through 45 above, as though fully set forth herein.

47. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots. In addition,

Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

48. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

## XVI. PUBLIC RECORDS ACTION

### **RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110**

#### **(Plaintiff WEiCU v. Director and County)**

49. Plaintiffs incorporate the allegations of paragraphs 1 through 48 above, as though fully set forth herein.

50. In order to prove (or disprove) Plaintiffs' allegations herein, WEiCU brings this Public Records Act action to compel Defendants to provide access to public records from the Election for a full forensic audit. (RCW 42.56.030, 42.56.550, 29A.60.110).

51. In September 2021, Plaintiff WEiCU submitted a records request to Director requesting original ballots, ballot images, spoiled ballots, adjudication records, ballot envelopes, and returned ballots for the Election. (RCW 42.56, "PRR"). The County denied one or more of the requested documents in WEiCU's PRR as exempt under RCW 42.56 citing RCW 29A.60.110 and/or White v. Clark County, 199 Wn.App. 929 (2017) ("PRR Denial"; "White Case").

52. Contrary to the PRR Denial, RCW 29A.60.110 does not prohibit ballot review and expressly permits court ordered review of ballots. In addition, the White Case relies on WA State Constitution Article 6, Section 6 as grounds for refusing access to ballots, but that provision

actually guarantees secrecy only in the preparation and deposit of ballots, and says nothing about secrecy following an election: "The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in **preparing** and **depositing** his ballot." [WA State Const. Art. 6, § 6 [emphasis added].)

53. Article 6, Section 6 does not prohibit public access to unidentifiable ballots after an election. Such interpretation of the State Constitution would prevent any ballot reviews relating to wrongful acts in an election and would be contrary to Article 1, Section 19 of the Washington State Constitution which ensures fair and free elections in our state: "All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

54. Moreover, the State Constitution is consistent with Washington State law and administrative code, which provide that access to ballots or ballot images via court order is entirely appropriate to prove or disprove election irregularities, and that such review "shall be de novo." (RCW 42.56.030 [the people do not yield their sovereignty to the agencies and insist on remaining informed so that they may maintain control over the instruments they have created to assure public interest is fully protected]; RCW 42.56.550(3) [judicial review of all agency actions taken or challenged under the [PRA] "shall be de novo".]; RCW 29A.60.110 [allows unsealing of ballots "...by order of the superior court in a contest or election dispute."]; WAC 434-261-045 ["Voted ballots and voted ballot images may . . . be accessed in accordance with RCW 29A.60.110 [unsealing of ballots allowed by court order]).

55. Numerous courts outside of Washington State have ruled that ballots are public records and subject to inspection: "Nothing could be more obvious than that a ballot becomes a public record once it is voted." (*Rogers v. Hood*, 906 So. 2d 1220, 1223 (Fla. Dist. Ct. App. 2005);

*Marks v. Koch*, 284 P.3d 118, 122 (Colo. App. 2011) [ballot secrecy is not violated if "the identity of the voter cannot be discerned from the face of that ballot"]).

56. Defendants must be compelled to comply with the PRR not only because the documents requested are public records, but also to prove (or disprove) the allegations herein. WEiCU further requests that the Court unseal the ballots under RCW 29A.60.110, as Plaintiff WEiCU stands ready, willing and able to conduct a full forensic audit of the requested public records in coordination with Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa county Arizona ballot auditor of 2020 General Election 2.1 million ballots.

## **XVII. DECLARATORY RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**

**WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, §19, §29; ART. VI, §6,**

**US CONSTITUTION AMENDMENTS I, XIV**

**(Citizen Plaintiffs v. Director)**

57. Plaintiffs incorporate the allegations of paragraphs 1 through 56 above, as though fully set forth herein.

58. The right to freely elect one's representatives and to influence the political direction of one's government is the democratic republic's indispensable political foundation. Without free elections, there is neither the possibility for citizens to express their will nor the opportunity for citizens to change their leaders, approve policies for the country, address wrongs, or protest the limitation of their rights afforded to them by the Constitution. (Article 1, §19 Washington State Constitution).

59. Moreover, Constitutional requirements and mandates may not be ignored by Director or this Court. (Article 1, §2, §29, Washington State Constitution.) Elections establish the citizenry's and the individual's right to FREE SPEECH as depicted by the First Amendment of the

Constitution of the United States of America. Accordingly, Plaintiffs hereby demand of the Superior Court that the state and federal Constitutions be followed so that free and fair elections may be held in the County consistent with the free speech will of the People.

60. Article 1 § 3 of the Washington State Constitution states: "No person shall be deprived of life, liberty, or property without due process of law." The right to vote is a fundamental right to which all lawful citizens of Washington State who meet the requirements are entitled, and as such this right is a "liberty" protected under Article 1 Section 3 of the Washington State Constitution.

61. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend as follows:

a. Director's wrongful acts as alleged herein infringed upon Plaintiffs' fundamental rights of equal protection, due process, and/or free speech under the Washington State Constitution and/or United States Constitution and amendments;

b. Because Director failed to follow state and federal law, qualified electors were denied their fundamental right of suffrage without due process of law. Qualified electors who voted similarly had the value of their votes diluted, and the will of said voters denied, without due process of law;

c. That the principles of equal protection require that Director abide by the process created by the Legislature to ensure uniform treatment of ballots regardless of who cast them, the manner in which they are cast, and/or who or what was voted for upon those ballots;

d. That Director's conduct alleged herein abridged Plaintiffs' rights under the fourteenth amendment to the United States Constitution, which reads in relevant part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the

United States; nor shall any state ... deny to any person within its jurisdiction the equal protection of the laws." The requirements of the special "privileges or immunities" prohibition of WA State Const. Art. 1, § 12 are in most cases at least as stringent as those of the federal equal protection clause. *Hunter v. North Mason High Sch.*, 85 Wn.2d 810, 819 n. 9, 539 P.2d 845 (1975);

- e. That ballots from County electors, including Plaintiffs herein, were not treated equally nor given equal levels of protection under the law; and,
- f. That Plaintiffs' state and/or federal Constitutional rights have been abridged as a proximate result of Director's conduct as alleged herein.

62. Plaintiffs are informed and believe, and thereon allege, that Director disputes and denies the contentions set forth in subparagraphs (a) through (f) above.

63. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director, as they pertain to the Election and future elections in the County.

#### **XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**

##### **(Citizen Plaintiffs v. Director)**

64. Plaintiffs incorporate the allegations of paragraphs 1 through 63 above, as though fully set forth herein.

65. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Unless Director is immediately and permanently restrained from taking any further actions in violation of Plaintiff's Constitutional rights, Plaintiffs will suffer irreparable injury in that, among other things, their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

66. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from:

- a) Using an Uncertified Voting System;
- b) Allowing or facilitating vote flipping, additions and/or deletions;
- c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,
- d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.

## XIX. DAMAGES FOR CIVIL RIGHTS VIOLATIONS

### 42 USC §1983, §1988

#### (Citizen Plaintiffs v. Director)

67. Plaintiffs incorporate the allegations of paragraphs 1 through 66 above, as though fully set forth herein.

68. Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (42 U.S.C. §1983).

69. Director's actions as alleged herein were done under color of state law.

70. While acting under color of state law, and as a proximate result of Director's conduct, Director deprived Plaintiffs of their federal rights under, *inter alia*, the First and/or Fourteenth Amendments to the United States Constitution.

71. Plaintiffs have incurred and will incur expenses of suit as a result of this proceeding, in an amount that cannot yet be ascertained, and reserve all rights to recovery under 42 U.S.C. Sections 1983 and 1988.

## **XX. DEMAND FOR JURY TRIAL**

72. Director's conduct alleged herein raises serious questions of fact. (RCW 4.44.090 [all questions of fact shall be decided by the jury].) Plaintiffs' right of trial by jury "shall remain inviolate". (Washington State Constitution, Art. 1, §21; US Constitution Amendment VII.) Plaintiffs hereby demand a jury trial.

## **XXI. RELIEF SOUGHT**

WHEREFORE, PLAINTIFFS pray for judgment as follows:

1. That Director be found in error and/or neglect for using an Uncertified Voting System during the Election;
2. That Director be found in error and/or neglect for allowing and/or facilitating vote flipping, additions and/or deletions before, during and/or after the Election;
3. That Director be found in error and/or neglect for allowing or facilitating party preference tracking and/or ballot identification for the Election;
4. That Director be found in error and/or neglect for allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes;
5. That Director be ordered to desist from the following errors and wrongful acts and facilitation thereof:
  - a) Using an Uncertified Voting System;
  - b) Allowing or facilitating vote flipping, additions and/or deletions;

- c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,
  - d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.
6. That Director and/or Defendant County be compelled and ordered to comply with WEiCU's PRR, including a Court order unsealing ballots under RCW 29A.60.110, for the purpose, *inter alia*, of a full forensic audit conducted by Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa county Arizona ballot auditor of 2020 General Election 2.1 million ballots;
7. For a declaration that Director's actions violated Plaintiffs' Constitutional Rights to Equal Protection, Due Process, and/or Free Speech Under the Law (WA State Const., Art I, § 1, § 2, § 3, § 12, §19, §29 ; Art. VI, §6, US Const. Amendments I and/or XIV);
8. For preliminary and permanent injunctive relief injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) enjoining Director, Director's agents, employees, and all persons acting in concert with Director, from any and all of the following actions, as Plaintiffs' remedies at law are inadequate, and Director's conduct will cause Plaintiffs to suffer irreparable injury through continued violations of their Constitutional rights:
- a) Using an Uncertified Voting System;
  - b) Allowing or facilitating vote flipping, additions and/or deletions;
  - c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,

d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.

9. For damages for violation of Plaintiffs' constitutional rights under color of law (42 U.S.C. Sections 1983); and/or,

10. For attorney's fees, for costs of suit, and for such other and further relief as the Court deems just and proper.

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED,  
a WA State Nonprofit Corporation

Dated: 9/17/2021

DocuSigned by:

  
Tamborine Borrelli

FB5CE67D15384E3

By: Tamborine Borrelli

Its: Director

Address: 13402 125<sup>th</sup> Ave NW

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Phone: 253-375-1255

Dated: 9/16/2021

DocuSigned by:

  
Doug Basler

7076DA9C713343B

Doug Basler

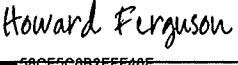
Plaintiff, *Pro Se*

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Phone: (206) 601-3133

Dated: 9/16/2021

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Howard Ferguson

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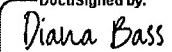
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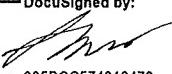
Phone: (206) 898-2696

Dated: 9/16/2021

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Diana Bass  
FC3085CD6E54475

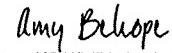
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Dated: 9/16/2021

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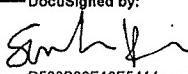
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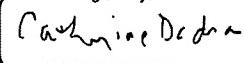
Dated: 9/17/2021

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Dated: 9/16/2021

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## VERIFICATIONS

I, Tamborine Borrelli, declare:

I am the Director of Washington Election Integrity Coalition United, a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in Thurston County, State of Washington,

on this 9/17/2021 day of \_\_\_\_\_, 2021. WASHINGTON ELECTION INTEGRITY COALITION UNITED, a WA State Nonprofit

DocuSigned by:  
*Tamborine Borrelli*  
PACEROPNSES

By: Tamborine Borrelli  
Its: Director

I, Doug Basler, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that

the foregoing is true and correct and that this document was executed in the County of King

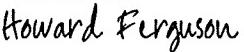
9/16/2021, State of Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

DocuSigned by:  
*Doug Basler*  
PACEROPNSES

Doug Basler

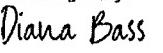
I, Howard Ferguson, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of KING \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
Howard Ferguson  
686F5C6B2FFF48E...  
Howard Ferguson

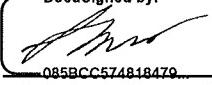
I, Diana Bass, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of KING \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
Diana Bass  
FC3085CD6E54475...  
Diana Bass

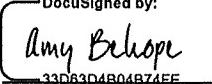
I, Timofey Samoylenko, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

9/17/2021  
  
Timofey Samoylenko

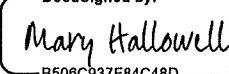
I, Amy Behope, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

9/16/2021  
  
Amy Behope

I, Mary Hallowell, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this \_\_\_\_\_ day of 9/17/2021, 2021.

DocuSigned by:  
  
Mary Hallowell  
B506C937E84C48D  
\_\_\_\_\_  
Mary Hallowell

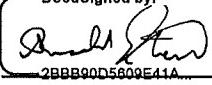
I, Samantha Bucari, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this \_\_\_\_\_ day of 9/17/2021, 2021.

DocuSigned by:  
  
Samantha Bucari  
B506B30E10E5414  
\_\_\_\_\_  
Samantha Bucari

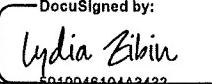
I, Ronald Stewart, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/17/2021, 2021.

DocuSigned by:  
  
Ronald Stewart  
2BBB00D5600E41A

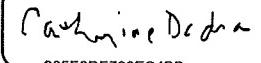
I, Lydia Zibin, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

DocuSigned by:  
  
Lydia Zibin  
5940946104A3433..

I, Catherine Dodson, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King \_\_\_\_\_, State of Washington, on this \_\_\_\_\_ day of 9/16/2021, 2021.

—DocuSigned by:  
  
266E0DE726EC4BB...  
Catherine Dodson

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Washington Election Integrity Coalition United, Basler,

Dona Ferauson, Howard Bass, Diana Samovlenko.

(b) County of Residence of First Listed Plaintiff Pierce

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

Julie Wise and King County

County of Residence of First Listed Defendant King

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Ann M. Summers, David J. Hackett, Janine Joly, Mari Isaacson

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |                                                      |                                                                                      |
|------------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<b>INTELLECTUAL PROPERTY RIGHTS</b>
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 340 Marine Product Liability		<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability		<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 863 DIWC/DIWW (405(g))
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 791 Employee Retirement Income Security Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 462 Naturalization Application	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

- |                                                |                                                                |                                                          |                                                   |                                                                        |                                                                |                                                                   |
|------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
43 U.S.C. secs. 1983, 1988**VI. CAUSE OF ACTION**Brief description of cause:  
Plaintiffs allege irregularities in ballot processing of November 2020 election.**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Richard A. Jones, David W. Christel, Robert S. La DOCKET NUMBER 3:21-cv-05726-RAJ, 2:21-cv-01354

DATE

SIGNATURE OF ATTORNEY OF RECORD

October 13, 2021

s/Ann M. Summers

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

- V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.